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NARRATIVE AND CRITICAL

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English Explorations
AND
Settlements
IN
North America
1497–1689

NARRATIVE AND CRITICAL

HISTORY OF AMERICA

EDITED

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CHAPTER IX.

NEW ENGLAND.

BY CHARLES DEANE, LL.D.,

Vice-President of the Massachusetts Historical Society.

THE COUNCIL FOR NEW ENGLAND. — This body was incorporated in the eighteenth year of the reign of James I., on the 3d of November, 1620, under the name of the "Council established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New England, in America." The corporation consisted of forty patentees, the most of whom were persons of distinction: thirteen were peers, some of the highest rank. The patentees were empowered to hold territory in America extending from the fortieth to the forty-eighth degree of north latitude, and westward from the Atlantic to the Pacific, and they were authorized to settle and govern the same. This charter is the foundation of most of the grants which were afterward made of the territory of New England.

This Company was substantially a reincorporation of the adventurers or associates of the Northern Colony of Virginia, with additional privileges, placing them on a footing with their rivals of the Southern Colony, whose franchise had been twice enlarged since the issuing of the original charter of April 10, 1606, which incorporated both companies. A notice of this earlier enterprise will but briefly detain us.

While the Southern Colony had attracted the wealth and influence of leading adventurers who represented the more liberal party in the government, and were enabled to prosecute their plans of colonization with vigor to a good degree of success, the Northern Colony had signally failed from the beginning. The former had established at Jamestown, in 1607, the first permanent English Colony in America. The latter produced no greater results than the abortive settlement at Sabino, known as the Popham Colony.[1] The discouragement following upon its abandonment prompted the withdrawal of many of the adventurers, though the organization of the patentees still survived; but of their meetings and records we have no trace. Sir Ferdinando Gorges himself would not despair, but engaged his

[1] The stories of these two colonies are told respectively in chapters v. and vi.

private fortune in fishing, trading, and exploring expeditions, and in making attempts at settlement. Many of these enterprises he speaks of as private ventures, while the Council for New England, in their *Briefe Relation*, of 1622, which I have sometimes thought was written by Gorges himself, speaks of them in the name of the Company. The probability is that Gorges was the principal person who kept alive the cherished scheme of settling the country, and by his influence a few other persons were engaged, and the name of the Council covered many of these enterprises.

Gorges now conceived the scheme of a great monopoly. King James had reigned since 1614 without a parliament, and during the following years down to the meeting of the next parliament, in January, 1620/21, a large part of the business of the country had been monopolized by individuals or by associations that had secured special privileges from the Crown. Gorges was a friend of the King and of the "prerogative." Under the plea of desiring a new incorporation of the adventurers of the Northern Colony, in order to place them on an equality of privileges with the Southern Colony, Gorges had devised the plan of securing a monoply of the fishing in the waters of New England for the patentees of the new corporation, and for those who held or purchased license from them. He had the adroitness to enlist in his favor a large number of the principal noblemen and gentlemen. Relative to his proceedings, Gorges himself says: "Of this, my resolution, I was bold to offer the sounder considerations to divers of his Majesty's honorable Privy Council, who had so good liking thereunto as they willingly became interested themselves therein as patentees and councillors for the managing of the business, by whose favors I had the easier passage in the obtaining his Majesty's royal charter to be granted us according to his warrant to the then solicitor-general," etc. The petition for the new charter was dated March 3, 1619/20; the warrant for its preparation, July 23; and it passed the seals Nov. 3, 1620.

An inspection of the several patents granted by King James will show that, in those of 1606 and 1609, among the privileges conferred is that of "fishings." But the word is there used in connection with other privileges appertaining to and within the precincts conveyed, such as "mines, minerals, marshes," etc., and probably meant "fishings" in rivers and ponds, and not in the seas. In the patent of Nov. 3, 1620, a similar clause ends, "and seas adjoining," which may be intended to cover the alleged privilege. In this patent, as in the others, there is no clause forbidding free fishing within the seas of New England; but all persons without license first obtained from the Council are, in the patent of Nov. 3, 1620, forbidden to visit the coast, and the clause of forfeiture of vessel and cargo is inserted. This prevented fishermen from landing and procuring wood for constructing stages to dry their fish.

A few days after the petition of Gorges and his associates had been presented to the King for a new charter, with minutes indicating the nature of

the privileges asked for, the Southern Colony took the alarm, and the subject was brought before its members by the treasurer, Sir Edwin Sandys, at a meeting on the 15th of March, 1619/20, at which a committee was appointed to appear before the Privy Council the next day, to protest against the fishing monopoly asked for by the Northern Colony. The result of the conference, at which Gorges was present, was a reference to two members of the Council,—the Duke of Lenox and the Earl of Arundell, both patentees in the new patent; and they decided or recommended that each colony should fish within the bounds of the other, with this limitation,—"that it be only for the sustentation of the people of the colonies there, and for the transportation of people into either colony." This order gave satisfaction to neither party. The Southern Colony protested against being deprived of privileges which they had always enjoyed. Gorges contended that the Northern Colony had been excluded from the limits of the rival company, and he only desired the same privilege of excluding them in turn. The matter came again before the Privy Council on the 21st of July following, and that board confirmed the recommendation of the 16th of March. Two days later, on the 23d of July, the warrant to the solicitor-general for the preparation of the patent was issued, and it passed the seals, as already stated, on the 3d of November.

On the following day, November 4, Sir Edwin Sandys announced at a meeting of the Southern Colony, or what was now known as the Virginia Company, that the patent of Sir Ferdinando Gorges, containing certain words which contradicted a former order of the Lords of the Council, had passed the seals, and that the adventurers of the Northern Colony by this grant had utterly excluded the Southern Colony from fishing on that coast without their leave and license first sought and obtained. By a general consent it was resolved to supplicate his Majesty for redress, and Sir Thomas Roe was desired to present the petition which had been drawn.

On the 13th Sir Thomas Roe reported that he had attended to that duty, and that the King had said that if anything was passed in the New England patent prejudicial to the Southern Colony, it was surreptitiously done, and without his knowledge, and that he had been abused thereby by those who pretended otherwise unto him. This was confirmed by the Earl of Southampton, who further said that the King gave command to the Lord Chamberlain, then present, that if this new patent were not sealed, to forbear the seal; and if it were sealed and not delivered, to keep it in hand till they were better informed. His Lordship further signified that on Saturday last they had been with the Lord Chancellor about it, when were present the Duke of Lenox, the Earl of Arundell, and others, who, after hearing the allegations on both sides, ordered that the patent should be delivered to be perused by some of the Southern Colony, who were to report what exceptions they found thereunto against the next meeting. Two days later it was announced through the Earl of Southampton that, at a recent

conference with Gorges, it was agreed that for the present "the patent of Sir Ferdinando Gorges should be sequestered and deposited in my Lord Chancellor's hands according to his Majesty's express command."

The Council for New England, in their *Briefe Relation* (1622) of these proceedings, recounting the opposition of the Virginia Company, say that "lastly, the patent being passed the seal, it was stopped, upon new suggestions to the King, and by his Majesty referred to the Council to be settled, by whom the former orders were confirmed, the difference cleared, and we ordered to have our patent delivered us."

The modifications suggested or directed by the Privy Council appear not to have been embodied in the instrument itself as it passed the seals. Gorges' friends were very strong in the council board, some of the members being patentees in the grant, and they carried matters with a high hand. But before the order came for the final delivery of the patent, Gorges and his patentees were called to encounter a still more formidable opposition. Gorges himself tells us that his rivals had plainly told him that "howsoever I had sped before the Lords, I should hear more of it the next Parliament;" and that this body was no sooner assembled than he found it too true wherewith he had been formerly threatened.

The Parliament met Jan. 16, 1620/21, it being the first time for more than seven years, and at once adjourned to the 30th of that month. On its assembling, the House of Commons immediately proceeded to present the public grievances of the kingdom, prominent among which were the monopolies that had sprung up like hydras during the last few years under the royal prerogative. On the 17th of April "An Act for the freer liberty of fishing voyages, to be made and performed on the sea-coast and places of Newfoundland, Virginia, New England, and other the sea-coasts and parts of America," was introduced. On the 25th this was repeated, and a debate followed, opened by Sir Edwin Sandys, who called attention to the new grant obtained for what had now come to be called New England, with a sole privilege of fishing; also to the fact that the King, who had been made acquainted with it, had stayed the patent; that the Virginia Company desired no appropriation of this fishing to them; that it was worth one hundred thousand pounds per annum in coin; that the English "little frequent this, in respect of this prohibition, but the Dutch and French." He therefore moved for "a free liberty for all the King's subjects for fishing there," saying it was pitiful that any of the King's subjects should be prohibited, since the French and Dutch were at liberty to come and fish there notwithstanding the colony.

The debate was continued. Secretary Calvert "doubteth the fishermen the hinderers of the plantation; that they burn great store of woods, and choke the havens;" that he "never will strain the King's prerogative against the good of the commonwealth;" and that it was "not fit to make any laws here for those countries which not as yet annexed to the Crown."

The bill was committed to Sir Edwin Sandys, and a full hearing adver-

tized to all burgesses of London, York, and the port towns, who might wish to testify, that day seven-night, in the Exchequer Chamber.

On the 4th of June Parliament adjourned to the 14th of November, and in the intermission Sir Edwin Sandys was arrested and thrown into prison. It is significant that, notwithstanding this opposition in the House of Commons, the Privy Council, on the 18th, ordered that the sequestered patent be delivered to Gorges, in terms which provided that each colony (the Northern and the Southern) should have the additional freedom of the shore for the drying of their nets and the taking and saving of their fish, and to have wood for their necessary uses, etc.; also that the patent of the Northern plantation be renewed according to the premises, while those of the Southern plantation were to have a sight thereof before it be engrossed, and that the former patent be delivered to the patentees.

I have already remarked that the orders of the Privy Council early directed certain modifications to be made in the proposed patent which were not embodied in it when first drawn; nor were they ultimately included, although Gorges himself admitted, when afterward summoned before the Committee of the House of Commons, that the patent yet remained in the Crown office, "where it was left since the last Parliament" (he meant, since the last session of Parliament), "for that it was resolved to be renewed for the amendment of some faults contained therein."

No doubt the intention was that a new patent should be drawn, and that the delivery of the existing parchment was provisional only.[1] The patent, however, never was renewed, though a scheme for a renewal of a most radical character was seriously contemplated all through the year following the dissolution of the Parliament in 1622; and Sir Henry Spelman and John Selden were consulted in regard to land tenures, the rights of the Crown, and the like, in reference thereto.

On the reassembling of Parliament in November, the subject was once again approached in the Commons. It was charged that since the recess Gorges had executed a patent. One had been issued, dated June 1, 1621, to John Peirce for the Plymouth people. He had also, by patent or by verbal agreement, by the King's request, released to Sir William Alexander all the land east of St. Croix, known as Nova Scotia, confirmed to him by a royal charter September 10 of this year.[2] It was also charged that Gorges was threatening to use force in restricting the right to fish; and accordingly on the 20th an order was passed directing his patent to be brought in to the Committee on Grievances.[3]

[1] The records of the Council for New England frequently refer to the subject of the renewal of their patent. Under the date of Aug. 6, 1622, we read: "Forasmuch as it has been ordered by the Lords of his Majesty's Privy Council that the Patent for New England shall be renewed, as well for the amendment of some things therein contained as for the necessary supply of what is found defective," etc. Then follow some minutes of additional changes desired by the patentees themselves.

[2] [See Vol. IV. chap. iv. — Ed.]

[3] "Mr. Glanvyle moveth to speed the bill of fishing upon the coast of America, the rather because Sir Ferdinand Gorge hath executed a

The result was that on the 21st of December an Act for freer liberty of fishing passed the Commons, while previously, on the 18th, "Sir Ferdinando Gorges and Sir Jo. Bowcer, the patentees for fishing in and about New England, to be warned to appear here the first day of next Access, and to bring their patent, or a copy thereof." Parliament then adjourned to the 8th of February; but it was subsequently prorogued and dissolved. Before the adjournment, in the afternoon, the Commons, foreseeing their dissolution, entered on their records a protestation in vindication of their rights and privileges; but the record is here mutilated by having the obnoxious passage torn out by the hands of the King, who sent for the Journal of the House and placed this mark of his tyranny upon it. Gorges himself, at this session of the Parliament, twice appeared before the Committee of the House, and had a preliminary examination without his counsel. He was questioned by Sir Edward Coke about his patent, which Coke called a grievance of the commonwealth, and complained of as "a monopoly, and the color of planting a colony put upon it for particular ends and private gain." Gorges says he was treated with great courtesy, but was told that "the Public was to be respected before all particulars," and that the patent must be brought into the House. Gorges replied by defending the plan of the adventurers, which he said was undertaken for the advancement of religion, the enlargement of the bounds of the nation, the increase of trade, and the employment of many thousands of people. He rehearsed what had already been done in the discovery and seizure of the coast, told of the failures and discouragements encountered, and explained the present scheme of regulating the affairs of the intended plantation for the public good. As for the delivery of the patent, he had not the power to do it himself, as he was but a particular person, and inferior to many. Besides, the patent still remained, for aught he knew, in the Crown Office, where it was left for amendment. He was then told to be prepared to attend further at a future day, and with counsel. In the end, also, the breaking up of Parliament prevented the bill for free fishing, which had passed the Commons, from becoming a law.

Of course, the opposition encountered — first from the Virginia Company and then from the House of Commons, the latter representing largely the popular sentiment — was a serious hindrance to the operations of the Coun-

patent since the recess. Hath, by letters from the Lords of the Council, stayed the ships ready to go forth.

"Mr. Neale *accordant*, that Sir Ferdinando hath besides threatened to send out ships to beat off from their free fishing, and restraineth the ships, *ut supra*.

"Sir Edward Coke, that the patent may be brought in; and Sir T. Wentworth, that the party may be sent for.

"Ordered, the patent shall be brought in to the Committee for Grievances upon Friday next, and Sir Jo. Bowcer [Bourchier, one of the patentees] and Sir Ferdinando his son, to be sent for, to be then there, if he be in town, Sir Ferdinando himself being captain of Portsmouth" (Plymouth).

On the 24th, "Neale moveth again concerning . . . restraint of fishing upon the coasts of . . . it may be brought in at the next . . . for grievances and the Com. . . .

"Ordered, the patent, or in the default thereof [a copy?], shall be considered of by the said com[mittee] in the afternoon. Sir Jo. Barr [Bowcer? . . .] attend the said committee at that time."—*Journal of the House of Commons.*

cil for New England. The disputes with the former, the Council themselves say, "held them almost two years, so as all men were afraid to join with them."

The records of the Council, so far as they are extant, begin on "Saturday, the last of May, 1622," at "Whitehall," at which there were seven persons present, "the Lord Duke of Lenox" heading the list. Some business was transacted before this date, as the first day's record here refers to it. The record of the organization of the Council is wanting; and two persons named as present at this meeting — Captain Samuel Argall and Dr. Barnabe Goche — were not included in the list of the forty patentees. They must have been elected since, in the place of others who had resigned. Goche was now elected treasurer in the place of Sir Ferdinando Gorges. I think that the Duke of Lenox was the first president of the Council. In the patent granted to John Peirce, mentioned above as taken out on behalf of the Pilgrims, dated June 1, 1621, — which, I may add, was nearly a year before the date of any known record of the Council, — purporting to be signed by "the President and Counsell," who have "set their seals" to the same, were the names of Lenox, Hamilton, Ro. Warwick, Sheffield, Ferd. Gorges, in the order here given, and one other name indistinct, with their separate seals.[1]

It is not improbable, therefore, that the business transactions of the Council, in this inchoate and uncertain period of its existence, were so few that they were preserved only in loose minutes, or files of papers, which were never recorded, and are now lost.

After they had freed their patent, they first considered how they should raise the means to advance the plantation, and two methods were suggested. One contemplated a voluntary contribution by the patentees; and the other, the ransoming the freedoms of those who were willing to partake of present profits arising by the trade or fishing on the coast. The patentees, in the one case, agreed to pay one hundred pounds apiece (the records say £110); in the other, inducements were offered to the western cities and towns to form joint-stock associations for trade and fishing, from which a revenue in the shape of royalty might be derived to the Council: and, in order to further this latter project, letters were to be issued to those cities, by the Privy Council, prohibiting any not free of that business from visiting the coast, upon pain of confiscation of ship and goods. This last scheme was not favorably received. The letters produced an effect contrary to what was expected, since the restraining of the liberty of free fishing gave alarm; and, as the Parliament of 1621 was about to meet, every possible influence was brought to bear against this great monopoly, with what effect we have already seen.

While the plan of voluntary associations failed, the business of exacting a tax from individual fishermen was prosecuted with vigor, and probably in some instances with success. A proclamation against disorderly trading,

[1] See chapter viii.

or visiting the coasts of New England without a license from the Council, was issued. A grand scheme for settling the coast of New England by a local government was marked out, and the *Platform of the Government* was put into print.[1]

The project of laying out a county on the Kennebec River, forty miles square, for general purposes, and building a great city at the junction of the Kennebec and Androscoggin Rivers, was part of the great plan. A ship and pinnace had been built at Whitby, a seaport in Yorkshire, at large expense, for use in the colony; and others were contemplated. They were to lie on the coast for the defence of the merchants and fishermen, and to convoy the fleets as they went to and from their markets. Sir Ferdinando Gorges, who had been treasurer of the Council, was now chosen governor, and was destined for New England; but the Company were seriously embarrassed for funds, and finally were obliged to mortgage the ship to some of their individual members. The assessments of £110 each were not all paid in, and patentees who did not intend to pay were asked to resign, so that others might take their places. Constant complaints were made of merchants who were violating the privileges of the Company by sending out vessels for fishing and trading on the coast; and orders were passed for applying remedies. The plan for the new patent is constantly referred to in the records, and the present patentees are to be warned that they will have no place in it, unless they pay up their past dues. The inducement to be held out is, that all who actually pay £110 may have a place in the new grant, provided they "be persons of honor or gentlemen of blood, except only six merchants to be admitted by us for the service, and especial employments of the said Council in the course of trade and commerce," etc. But their schemes were not realized.

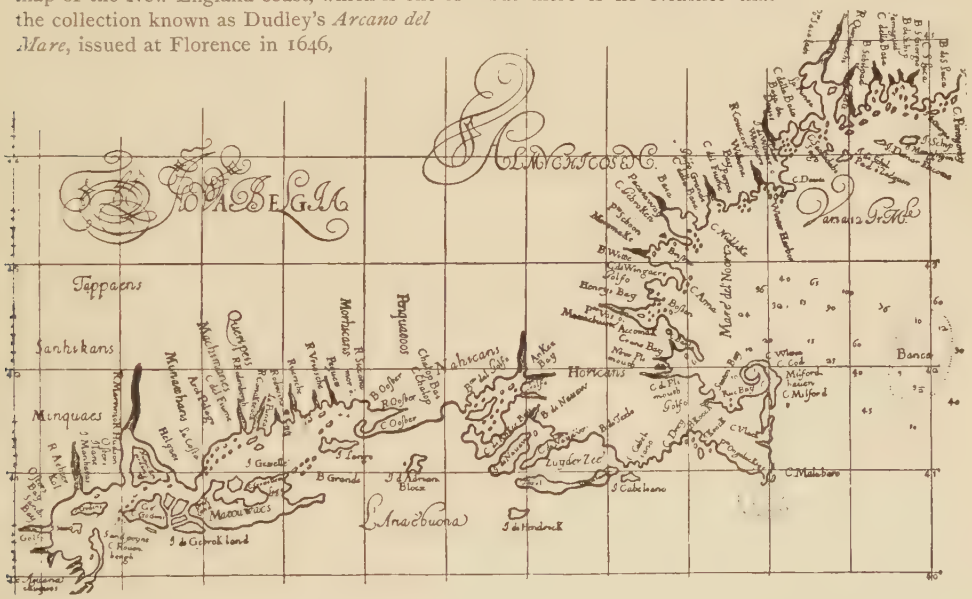
In the Council's prospectus already cited, issued in the summer of 1622, they say, "We have settled, at this present, several plantations along the coast, and have granted patents to many more that are in preparation to be gone with all conveniency." The bare fact, however, is that the Pilgrims at Plymouth were the only actual settlers, and they had landed within the

[1] Two parts of the territory were to be divided among the patentees, and one third was to be reserved for public uses; but the entire territory was to be formed into counties, baronies, hundreds, etc. From every county and barony deputies were to be chosen to consult upon the laws to be framed, and to reform any notable abuses; yet these are not to be assembled but by order of the President and Council of New England, who are to give life to the laws so to be made, as those to whom it of right belongs. The counties and baronies were to be governed by the chief and the officers under him, with a power of high and low justice, — subject to an appeal, in some cases, to the supreme courts. The lords of counties might also divide their counties into manors and lordships, with courts for determining petty matters. When great cities had grown up, they were to be made bodies politic to govern their own private affairs, with a right of representation by deputies or burgesses. The management of the whole affair was to be committed to a general governor, to be assisted by the advice and counsel of so many of the patentees as should be there resident, together with the officers of State. There was to be a marshal for matters of arms; an admiral for maritime business, civil and criminal; and a master of ordnance for munition, etc. (Cf. the Council's "Briefe Relation," in 2 *Mass. Hist. Coll.*, ix. 21–25; S. F. Haven's Lecture before the Massachusetts Historical Society, Jan. 15, 1869, on *The History of the Grants*, etc., pp. 18, 19.)

patent limits by the merest chance. There may have been some other bodies of men, in small numbers, living on the coast, such as Gorges used to hire, at large expense, to spend the winter there. His servant, Richard Vines, a highly respectable man, was sent out to the coast for trade and discovery, and spent some time in the country; and he is supposed to have passed one winter during a great plague among the Indians, — perhaps that of 1616–17, — at the mouth of the Saco River.[1] Vines and John Oldham afterward had a patent of Biddeford, on that river. Several scattering plantations were begun in the following year.

The complaints to the Council of abuses committed by fishermen and other interlopers, who without license visited the coast, and by their conduct caused the overthrow of the trade and the dishonor of the government, led to the selection of Robert Gorges, the younger son of Sir Ferdinando Gorges, and who was recently returned from the Venetian wars, to be sent to New England for the correction of these abuses. He was commissioned as lieutenant-general, and there were appointed for his council and assistants Captain Francis West as admiral, Christopher Levett, and the governor of Plymouth for the time being. Robert Gorges had but recently become

[1] Tradition has preserved the name of "Winter Harbor" there, and this name appears on a map of the New England coast, which is one of the collection known as Dudley's *Arcano del Mare*, issued at Florence in 1646, and of which a reduced fac-simile is given herewith. Dudley was an expatriated Englishman, son of the Earl of Leicester, and had a romantic story, which has been told by Mr. Hale in the *Amer. Antiq. Soc. Proc.*, 1873. Dudley's first wife had been a sister of Cavendish, and he is otherwise connected with American exploration; but there is no evidence that he had much other material for this map than Smith and the Dutch. [Dudley and his cartographical labors are also brought under notice in chap. ii. of the present volume, and in chap. ix. of Vol. IV. — ED.]



FROM DUDLEY'S ARCANO DEL MARE.

a shareholder in the grand patent, and he had also a personal grant of a tract of land on the northeast side of Massachusetts Bay, ten miles along the coast, and extending thirty miles into the interior. This was made to him partly in consideration of his father's services to the Company.

West was commissioned in November, 1622; and his arrival at Plymouth, in New England, is noticed by Bradford "as about the latter end of June." He had probably been for some time on the Eastern coast as he related his experiences to Bradford, who says he "had a commission to be admiral of New England, to restrain interlopers and such fishing ships as came to fish and trade without a license from the Council of New England, for which they should pay a round sum of money. But he could do no good of them, for they were too strong for him, and he found the fishermen to be stubborn fellows. . . . So they went from hence to Virginia." West returned from Virginia in August, and probably joined Captain Gorges, who made his appearance in the Bay of Massachusetts in August or September of this year, having "sundry passengers and families, intending there to begin a plantation, and pitched upon the place Mr. Weston's people had forsaken," at Wessagusset. By his commission he and his council had full power "to do and execute what to them should seem good, in all cases, capital, criminal, and civil."

This sending out of young Gorges with authority was probably a temporary expedient for the present emergency, preparatory to the great scheme of government set forth, a few months before he sailed, in the Council's *Briefe Relation*. Captain Gorges had a private enterprise to look after while charged with these public duties. The patent which he brought over, issued to himself personally, provided for a government to be administered "acording to the great charter of England, and such Lawes as shall be hereafter established by public authority of the State assembled in Parliament in New England," all decisions being subject to appeal to the Council for New England, "and to the court of Parliament hereafter to be in New England aforesaid."

Gorges remained here but a short time, — probably not quite a year, — having during his stay a sharp conflict with the notorious Thomas Weston, whom Governor Bradford, in pity to the man, attempted to shield from punishment. In speaking of Gorges' return to England, Bradford says that he "scarcely saluted the country in his government, not finding the state of things here to answer his quality and condition." His people dispersed: some went to England, and some to Virginia. Sir Ferdinando Gorges himself assigns another reason for his son's speedy abandoning the country. He says that Robert was sent out by Lord Gorges and himself, —meaning, I suppose, that he came at their personal charge, — and that he was disappointed in not receiving supplies from "divers his familiar friends who had promised as much; but they, hearing how I sped in the House of Parliament, withdrew themselves, and myself and friends were wholly disabled to do anything to purpose." The report of these

proceedings coming to his son's ears, he was advised to return home till better occasion should serve.

The records of the Council show that for the space of one year their business was pursued with considerable vigor by the few members who were interested.[1] Sir Ferdinando Gorges, of course, was the mainstay of the enterprise. The principal business was to prepare to put their plans into operation. The money did not come in, and a large number of the patentees fell off. Much time was spent in inducing new members to engage, and pay in their money; and the efforts to bring the merchant fishermen to acknowledge the claims of the Council, and to take out licenses for traffic and fishing, were untiring.

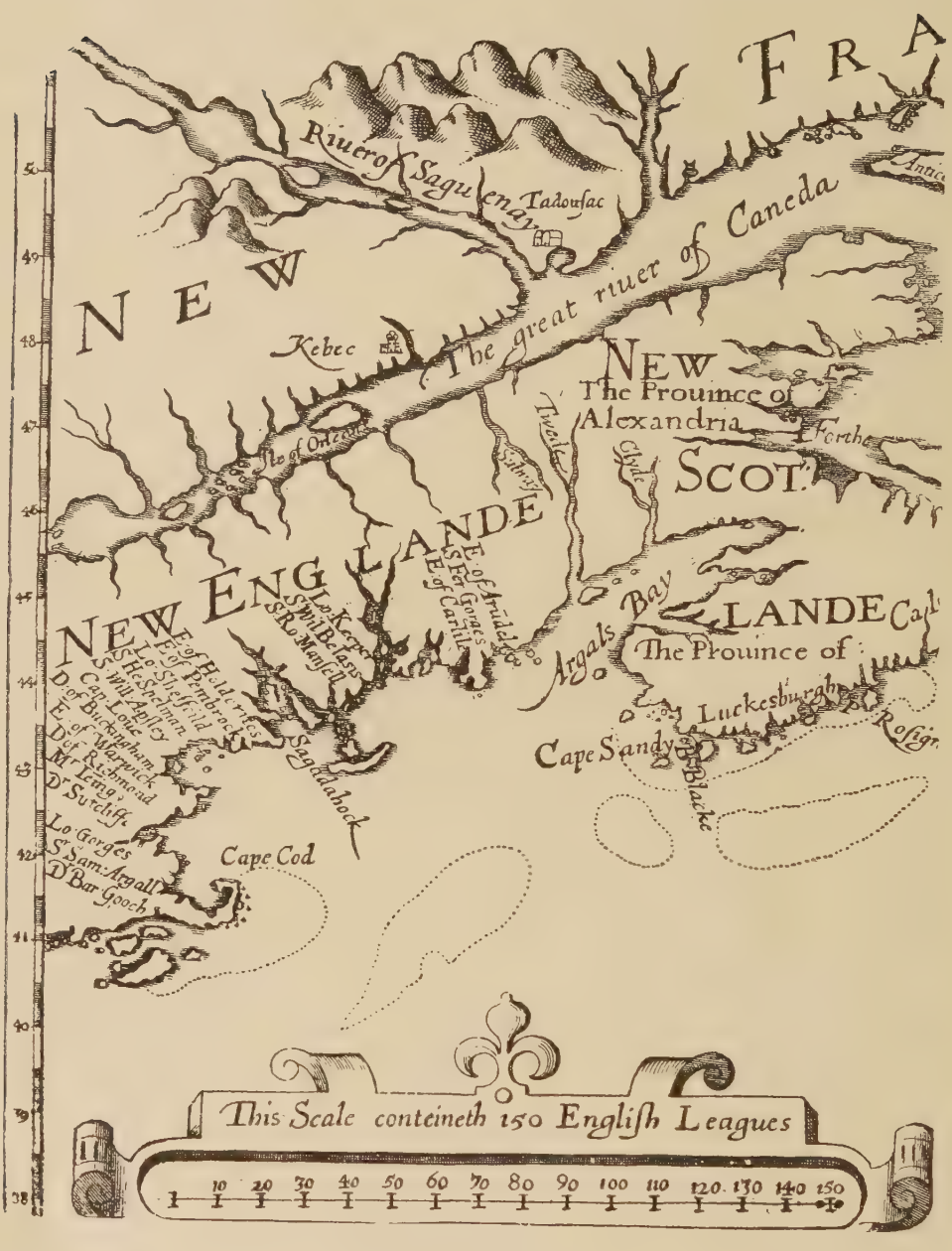
Finally, in the summer of 1623, the Council resolved to divide the whole territory of New England among the patentees, "in the plot remaining with Dr. Goche," the treasurer. The reasons given for this step are, "For that some of the adventurers excuse their non-payment in of their adventures because they know not their shares for which they are to pay, which much prejudiceth the proceedings, it is thought fit that the land of New England be divided in this manner; viz., by 20 lots, and each lot to contain 2 shares. And for that there are not full 40 and above 20 adventurers, that only 20 shall draw those lots." Provision was accordingly made that each person drawing two shares should part with one share to some member who might not have drawn, or some one else who shall thereafter become an adventurer, to the end that the full "number of forty may be complete." The meeting for the drawing was held on Sunday, June 29, 1623, at Greenwich, at which the King was present.[2]

The "plot" of New England, on which this division is shown, with the names set down according as the lots were drawn, was published the next year in Sir William Alexander's *Encouragement to Colonies;* and on page 31 of his book the writer speaks of hearing that "out of a generous desire by his example to encourage others for the advancement of so brave an enterprise he [Sir Ferdinando Gorges] is resolved shortly to go himself in person, and to carry with him a great number well fitted for such a purpose; and many noblemen in England (whose names and proportions as they were marshalled by lot may appear upon the map), having interested themselves in that bounds, are to send several colonies, who may quickly make this to exceed all other plantations."

Alexander must have been well informed of the intentions of the Com-

[1] Of thirty-six meetings recorded to have been held between May 31, 1622, and June 28, 1623, Sir F. Gorges was present at thirty-five meetings; Sir Samuel Argall, thirty-three; Goche, treasurer, twenty-two. The average attendance at a meeting was but four. One half the patentees originally named in the grant never attended a meeting.

[2] The record says that there was presented to the King "a plot of all the coasts and lands of New England, divided into twenty parts, each part containing two shares, and twenty lots containing the said double shares, made up in little bales of wax, and the names of twenty patentees by whom these lots were to be drawn." The King drew for three absent members, including Buckingham, who had gone to Spain. There were eleven members present, who drew for themselves. Nine other lots were drawn for absent members.



ALEXANDER'S MAP, 1624.[1]

pany, certainly familiar with those of Gorges himself; and it must have been with their knowledge and approbation that the act above recorded was thus published. The meeting at which the division was made is the

[1] [This is a fac-simile of a part of the map, as reproduced in Purchas's *Pilgrims*. — ED.]

last of which we have any record for a number of years, and the history of the Company during these years must be gathered from other sources. The grand colonial scheme intended to be put in operation never went into effect; and at a late period the Council say, concerning this division, that hitherto they have never been confirmed in the lands so allotted.

A new Parliament was summoned to meet February 12, 1623/24, and on the 24th we find this minute: "Mr. Neale delivereth in the bill for free liberty of fishing upon the coasts of America." "Five ships of Plymouth under arrest, and two of Dartmouth, because they went to fish in New England. This done by warrant from the Admiralty. To have these suits staid till this bill have had its passage. This done by Sir Ferdinando Gorges his Patent. Ordered, that this patent be brought into the Committee of Grievances upon Friday next." March 15, 1623/24, an Act for freer liberty of fishing, as previously introduced, was committed to a large committee, of which Sir Edward Coke was chairman. On the 17th, Sir Edward reported from this committee that they had condemned one grievance, namely, "Sir Ferdinand Gorges his patent for a plantation in New England. Their council heard, the exceptions being first delivered them. Resolved by consent, that, notwithstanding the clause in the patent dated 3d November, 18th Jac., that no subject of England shall visit the coast upon pain of forfeiture of ship and goods, the patentees have yielded that the Englishmen shall visit, and that they will not interrupt any fisherman to fish there." Finally it was enacted by the House that the clause of forfeiture, being only by patent and not by act of Parliament, was void.

Gorges himself gives a graphic picture of the scene when he, with his counsel, was before the Committee of the House, and he spoke so unavailingly in defence of his patent. This patent was the first presented from the Committee of Grievances. "This their public declaration of the Houses . . . shook off all my adventurers for plantation, and made many of the patentees to quit their interest;" so that in all likelihood he would have fallen under the weight of so heavy a burden, had he not been supported by the King, who would not be drawn to overthrow the corporation he so much approved of, and Gorges was advised to persevere. Still he thought it better to forbear for the present, though the bill did not become a law of the realm. Soon afterward the French ambassador made a challenge of all those territories as belonging of right to the King of France, and Gorges was called to make answer to him; and his reply was so full that "no more was heard of that their claim."

Being unable to enforce the claim whence was to come the principal source of its income, and the larger part of the patentees having abandoned the enterprise, the Great Council for New England, whose patent had been denounced by the House of Commons as a monopoly and opposed to the public policy and the general good, became a dead body. In the following year, 1625, we hear of Gorges as commander of one of the vessels in the squadron ordered by Buckingham to Dieppe for the service of the

King of France. Finding on his arrival that the vessels were destined to serve against Rochelle, which was then sustaining a siege, Gorges broke through the squadron, and returned to England with his ship.

In the summer of 1625 the Plymouth people were in great trouble by reason of their unhappy relations to the Adventurers in London, and Captain Standish was sent over to seek some accommodation with them. At the same time he bore a letter from Governor Bradford to the Council of New England, urging their intervention in behalf of the colony "under your government." But Bradford says that, by reason of the plague which that year raged in London, Standish could do nothing with the Council for New England, for there were no courts kept or scarce any commerce held.

Two years later, in the summer of 1627, Governor Bradford again wrote to the Council for New England, under whose government he acknowledged themselves to be, and also to Sir Ferdinando Gorges himself, advising them of the encroachments of the Dutch, and also making complaints of the disorderly fishermen and interlopers, who, with no intent to plant, and with no license, foraged the country and were off again, to the great annoyance of the Plymouth settlers.

After a patent to Christopher Levett, of May 5, 1623, the Council appear to have made no grants of land till, in 1628, two patents were issued, — one to the Plymouth people of land on the Kennebec River, and one to Rosewell, Young, Endicott, and others, patentees of Massachusetts. These were followed by a grant to John Mason, of Nov. 7, 1629, the Laconia grant of Nov. 17, 1629, that to Plymouth Colony of Jan. 13, 1629/30, and sundry grants of territory in the present States of Maine and New Hampshire.

The records of the Council, of which there is a hiatus of over eight years in the parts now extant (and the latter portion is a transcript with probably many omissions), begin on the 4th of November, 1631, with the Earl of Warwick as president, and contain entries of sundry patents granted, and of the final transactions of the Company during its existence. Precisely when the Earl of Warwick was chosen president we do not know. His name appears in the Plymouth patent of Jan. 13, 1629/30, as holding that office, and it is quite likely that he was president when the Massachusetts patent was issued, he being chiefly instrumental in passing that grant. The Council seem now to have revived their hopes as they did their activity. As late as Nov. 6, 1634, divers matters of moment were propounded: "First, that the number of the Council be with all convenient speed filled. [It appears by a previous meeting that there were now but twenty-one members in all, whereas the patent called for no less than forty.] Second, that a new patent from his Majesty be obtained." Also, that no ships, passengers, nor goods be permitted to go to New England without license from the President and Council; and that fishermen should not be allowed to trade with savages, nor with the servants of planters, nor to cut timber for stages, without license. This, surely, is a revival of

the old odious policy. We do not know if any of these orders were adopted.

There seems at this time to have arisen a serious misunderstanding or quarrel between the Council and their President, the Earl of Warwick. It first appears at a meeting held June 29, 1632. The President was not present at this meeting, though it was held, as the meetings had been held for some years past, at "Warwick House." An order was adopted "that the Earl of Warwick should be entreated to direct a course for finding out what patents have been granted for New England." At the same meeting the clerk was sent to the Earl for the Council's great seal, which was in his lordship's keeping; and word came back that he would send it when his man came in. It was also ordered that the future meetings of the Council be held at the house of Captain Mason, in Fenchurch Street. But the seal was not sent, and two more formal requests were made for it during the next six months. Captain John Mason was chosen vice-president Nov. 26, 1632. The records for 1633 and 1634 are wanting. Early in 1635 the Council resolved to resign their patent into the hands of the King; preparatory to which they made a new partition of the territory of New England, dividing it among themselves, or, according to the records, among eight of their number. Of what precise number the Council consisted at this time we have no means of knowing. The division was made at a meeting held Feb. 3, 1634/35, and to the description of each particular grant the members on the 14th of April affixed their signatures, each person withholding his signature to his own share. In making this division it was ordered that every one who had lawful grants of land, or lawfully settled plantations, should enjoy the same, laying down his *jura regalia* to the proprietor of this division, and paying him some small acknowledgment. A memorandum is also made that "the 22d day of April several deeds of feoffment were made unto the several proprietors."

The act of surrender passed June 7, 1635. Lord Gorges had been chosen president April 18. The Company seem to have been kept alive till some years later, as there is an entry as late as Nov. 1, 1638, at which it was agreed to augment the grants of the Earl of Sterling and Lord Gorges and Sir F. Gorges, the two latter to have "sixty miles more added to their proportions further up into the main land." Of course, in making this division the whole patent of Nov. 3, 1620, was not divided, for that ran from sea to sea. It was a division on the New England coast, running back generally sixty miles inland. It was part of the plan to procure from the King, under the great seal of England, a confirmation of these several grants. Lord Sterling's grant included also Long Island, near Hudson's River.

The intention in this division was to ride over the Massachusetts patent of 1628, which had been confirmed the following year by a charter of incorporation from the King, and legal proceedings were soon afterward instituted by a writ of *quo warranto* for vacating their franchises. The notorious Thomas Morton was retained as a solicitor to prosecute this suit.

The grants issued in this division to Sir Ferdinando Gorges and to John Mason are the only ones with which subsequent history largely deals.[1]

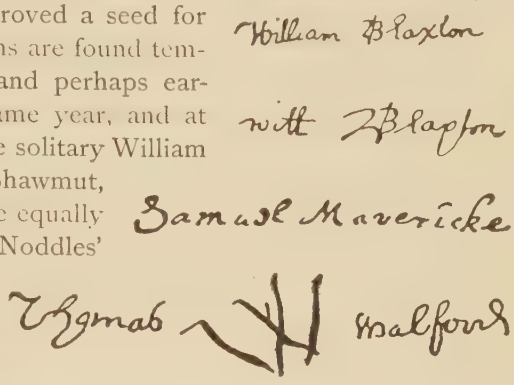
The King, in accepting the resignation of the Grand Patent, resolved to take the management of the affairs of New England into his own hands, and to appoint as his general governor Sir Ferdinando Gorges, who himself, or by deputy, was to reside in the country. But "the best laid schemes o' mice and men gang aft a-gley." The attempt to vacate the charter of Massachusetts Bay, a fundamental thing to be done, was not accomplished. The patentees to whom several of the divisions of the territory of New England were assigned appear to have wholly neglected their interest, and, except in the case of Sir Ferdinando Gorges, before referred to, royal charters were granted to none.

Massachusetts, Maine, New Hampshire, and Connecticut were settled under grants, or alleged grants, from the Council for New England. The grant of the territory of Massachusetts Bay of March 19, 1627/28, was in the following year confirmed by the Crown, with powers of government. The grant to Sir Ferdinando Gorges in the general division of February, 1634/35, with an additional sixty miles into the interior subsequently added, was confirmed by the Crown April 3, 1639, with a charter constituting him Lord Proprietor of the Province of Maine, and giving him extraordinary powers of government. The territory issued to John Mason at the general division, which was to be called New Hampshire, the parchment bearing date April 22, 1635, was never confirmed by the King, nor were any powers of government granted. The first settlements in Connecticut,—namely, those of the three towns on the river of that name, in 1635 and 1636,—were made under the protection of Massachusetts, as though the territory had been part of that colony. But the inhabitants subsequently acquired a *quasi* claim to this territory, under what is known as the "old patent of Connecticut," impliedly proceeding from the Council for New England, through the Earl of Warwick, to Lord Say and Sele and his associates. The settlers of Quinnipiack, afterward called New Haven, in 1638 and 1639, had no patent for lands, but made a number of purchases from the Indians. Plymouth Colony, of which an account is given here by another hand, received a roving patent from the Council, dated June 1, 1621, with no boundaries; and another patent, dated Jan. 13, 1629/30, defining their limits, but with no powers of government. The territory of Rhode Island was not a grant from the Council to the settlers.

MASSACHUSETTS. — There were scattered settlements in Massachusetts Bay prior to the emigration under the patent of 1627/28. Thomas Weston

[1] Yet it should be mentioned here that the grant to the Marquis, afterward Duke, of Hamilton of land between the Connecticut River and Narragansett, which lay dormant during his life, was claimed by his heirs at the Restoration, and at a later period, but was not allowed. The grant to the Earl of Sterling, between St. Croix and Sagadahoc, was in 1663 sold by his heir to Lord Clarendon, and a charter for it was granted next year to the Duke of York.

began a settlement at what is now Weymouth Fore-River, in the summer of 1622, which lasted scarcely one year. Robert Gorges, as we have seen, took possession of the same place, in September, 1623, for his experimental government, but the colony broke up the next spring, leaving, it is thought, a few remnants behind, which proved a seed for a continuous settlement. Persons are found temporarily at Nantasket in 1625, and perhaps earlier; at Mount Wollaston the same year, and at Thompson's Island in 1626. The solitary William Blaxton, clerk, is traced to Shawmut, (Boston) in 1625 or 1626, and the equally solitary Samuel Maverick, at Noddles' Island, about the same time; while Walford, the blacksmith, is found at Charlestown in 1629. The last three named are reasonably conjectured to have formed part of Robert Gorges' company at Weymouth, in 1623/24.



The Dorchester Fishing Company, in England, of which the Rev. John White, a zealous Puritan minister of that town, was a member, resolved to make the experiment of planting a small colony somewhere upon the coast, so that the fishing vessels might leave behind in the country all the spare men not required to navigate their vessels home, who might in the mean time employ themselves in planting, building, etc., and be ready to join the ships again on their return to the coast at the next fishing season. Cape Ann was selected as the site of this experiment, and in the autumn of 1623 fourteen men were left there to pass the winter. In the latter part of the year 1625 Roger Conant, who had been living at Plymouth and at Nantasket, was invited to join this community as its superintendent, and he remained there one year. The scheme proving a financial failure, the settlement broke up in the autumn of 1626, most of the men returning home; but Conant and a few others removed to Naumkeag (Salem), where they were found by Endicott, who, under the authority of the Massachusetts patentees, arrived there Sept. 6, 1628. These old settlers joined the new community.

Endicott was sent out as agent or superintendent of a large land company, of which he was one of the proprietors, colonization being, of course, a prominent feature in their plans. In the following year, March 4, 1628–29, the patentees and their associates received a charter of incorporation, with powers of government, and with authority to establish a subordinate government on the soil, and appoint officers of the same. This local government, entitled "London's Plantation in Massachusetts Bay in New England," was accordingly established, and Endicott was appointed the first resident governor. The charter evidently contemplated that the government of the Company should be administered in England. In a few

months, however, the Company resolved to transfer the charter and government from London to Massachusetts Bay; and Matthew Cradock, who had been the first charter governor, resigned his place, and John Winthrop, who had resolved to emigrate to the colony, was chosen governor of the Company in his stead. On the transfer of the Company to Massachusetts by the arrival of Winthrop, the subordinate government, of which Endicott was the head, was silently abolished, and its duties were assumed by its principal, the corporation itself, which took immediate direction of affairs. As the successor of Cradock, Winthrop was the second governor of the Massachusetts Company, yet he was the first who exercised his functions in New England.

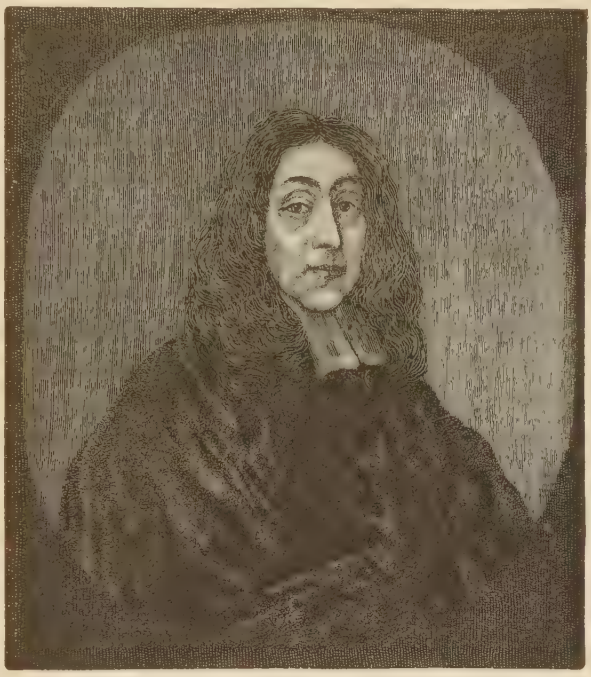
The Massachusetts charter was not adapted for the constitution of a commonwealth; therefore, as the colony grew in numbers it became necessary for it to assume powers not granted in that instrument. Between the years 1630 and 1640 about twenty thousand persons arrived in the colony, after which, for many years, it is supposed that more went back to England than came thence hither. Previous to the year last named the colony had furnished emigrants to settle the colonies of Connecticut, New Haven, and Rhode Island.

The charter gave power to the freemen to elect annually a governor, deputy-governor, and eighteen assistants, who should make laws for their own benefit and for the government of the colony; and provision was made for general courts and courts of assistants, which exercised judicial as well as legislative powers. But at the first meeting of the general court in Boston, in October, 1630, it was ordered that the governor and deputy-governor should be chosen by the assistants out of their own number. This rule was of short duration, as in May, 1632, the freemen resumed the right of election, and the basis of a second house of legislature was laid.

The colonists, though Puritans, were Church of England men, and were fearful of rigid separation; but Winthrop and his party, — among whom was John Wilson, a graduate of King's College, Cambridge, and destined to become their first minister, — found on their arrival a church already established at Salem on the basis of separation. Thenceforward, following that example, the Massachusetts colony became a colony of congregational churches. It has been a favorite saying with eulogists of Massachusetts, that the pious founders of the colony came over to this wilderness to establish here the principle of civil and religious liberty, and to transmit the same inviolate to their remotest posterity. Probably nothing was further from their purpose, which was simply to find a place where they themselves, and all who agreed with them, could enjoy such liberty. This was a desirable object to attain, and they made many sacrifices for it, and felt that they had a right to enjoy it.

The banishment of Roger Williams, and of Mrs. Hutchinson and her

sympathizers, was no doubt largely due to the feeling that the peace of the community was endangered by their presence. In the unhappy episode of the Quakers, at a later period, the colonial authorities were wrought into a frenzy by these "persistent intruders." It seemed to be a struggle on both sides for victory; but though four Quakers were hanged on Boston Common, the Quakers finally conquered. In the second year of the settlement, in order to keep the government in their own hands, or, in the language of the Act, "to the end the body of the commons may be preserved of honest and good men," the Court ordered that thenceforward no one should be elected a freeman unless he was a member of one of the churches of the colony. Probably there were as good men outside the churches as there were inside, and by and by a clamor was raised by those who felt aggrieved at being denied the rights of freemen; but the rule was not modified till after the Restoration.

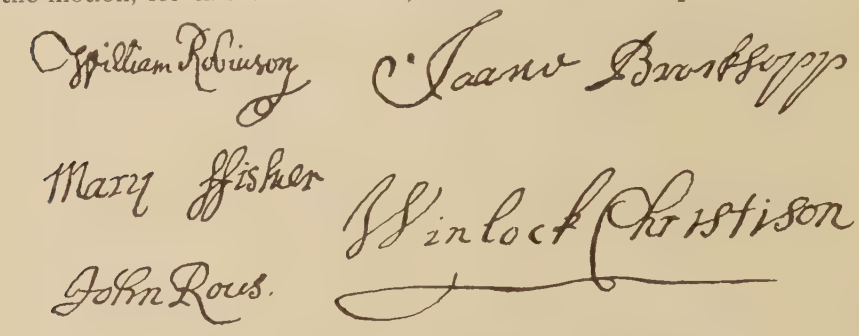


John Wilson Senior[1]

A few unsavory persons whom Winthrop and his company found here and speedily sent away, on their arrival home failed not to make representations injurious to the Puritan settlement, and they were seconded by the influence of Sir Ferdinando Gorges and John Mason. Attempts were made in 1632 to vacate the colony's charter; but these attempts proved unsuccessful. A more serious effort was made a few years later, when the Council for New England resigned its franchises into the hands of the King; but owing to the trouble which environed the government in England, and to other causes not fully explained, the colony then escaped, as it also escaped at the same time the impending infliction of a general governor for New England.

[1] [This portrait of the first minister of Boston hangs in the gallery of the Massachusetts Historical Society. Its authenticity has been in turn questioned and maintained. Cf. *Mass. Hist. Soc. Proc.* September, 1867, and December, 1880. — ED.]

In 1640 some of the colony's friends in England wrote to the authorities here advising them to send some one to England to solicit favors of the Parliament. "But, consulting about it," says Winthrop, "we declined the motion, for this consideration, — that if we should put ourselves under



QUAKER AUTOGRAPHS.[1]

the protection of Parliament, we must then be subject to all such laws as they should make, or at least such as they might impose upon us; in which course, though they should intend our good, yet it might prove very prejudicial to us." From 1640 to 1660 the colony was substantially an independent commonwealth, and during this period they completed a system of laws and government which, taken as a whole, was well adapted to their wants. Their "Body of Liberties" was established in 1641, and three editions of Laws were published by authority, and put in print in 1649, in 1660, and in 1672. The first law establishing public schools was passed in October, 1647. Harvard College had already, in 1637, been established at Cambridge.

The ecclesiastical polity of the churches, embodied in the "Cambridge Platform," was drawn up in 1648, and printed in the following year, and was finally approved by the General Court in 1651.

The community was obliged to feel its way, and adapt its legislation rather to its exigencies than to its charter. The aristocratical element in the society early cropped out in the institution of a Council for life, which

[1] [This group gives the names of some of the victims of the judicial extremities practised in Boston. See Bowden's *Friends in America*, and the *Memorial History of Boston*. Cf. the note on the treatment of the early Quakers in New England, in chapter xii. — Ed.]

may have had its origin in suggestions from England; but it met with little favor.

The confederation of the United Colonies, first proposed by Connecticut, was an act of great wisdom, foreshadowing the more celebrated political unions of the English race on this continent, for they all have recognized the common maxim, that "Union is strength." The colonists were surrounded by "people of several nations and strange language," and the existence of the Indian tribes within the boundaries of the New England settlements was the source of ceaseless anxiety and alarm. The Pequot War had but recently ended, and it had left its warning. It would have been an act of grace to admit the Maine and Narragansett settlements to this union, but it was probably impracticable.

DR. JOHN CLARK.[1]

The conversion of the Indian tribes to Christianity was a subject which the colony had much at heart, and a number of its ministers had fitted themselves for the work: the special labors of the Apostle Eliot need only be mentioned. Through the instrumentality of Edward Winslow, a society for propagating the gospel

[1] [This portrait of a leading physician of the colony hangs in the gallery of the Massachusetts Historical Society, and is inscribed "Ætatis suæ 66 ann. suo," and purports to be a Dr. John Clark, and is probably the physician of that name of Newbury and Boston, who died in 1664. His son John, likewise a physician, was also a prominent public man in Boston, and died in 1690. That it is the former is believed by Dr. Thacher in his *American Medical Biography*, and by Coffin in his *History of Newbury*, both of whom give lithographs of the picture. Dr. Appleton, who printed an account of the Society's portrait in its *Proceedings*, September, 1867, also took this view; while the Rev. Dr. Harris, in the Society's *Collections*, third series, vii. 287, finds the year 1675 in the inscription, which is not there, and identifies the subject of the picture with another Dr. John Clark, who was prominent in Rhode Island history. There was still a third Dr. John Clark, son of John, and of Boston, who died in 1728. It is not probably determinable beyond doubt which of the earlier two this is; and Savage, in his *Genealogical Dictionary*, gives twenty-five John Clarks as belonging to New England before the end of the first century; but of these only four are physicians, as above named. Cf. *Massachusetts Historical Society's Proceedings*, July, 1844, p. 287. — Ed.]

among the Indians was incorporated in England in 1649, and the Commissioners of the United Colonies were made the agents of its corporation as long as the union of the colonies lasted.

The Massachusetts colonists were at first seriously tasked for the means of subsistence; but these anxieties soon passed away. Industry took the most natural forms. Agriculture gave back good returns. To the invaluable Indian maize were added all kinds of English grain, as well as vegetables and fruits. Some were indigenous to the soil. English seeds of hay and of grain returned bountiful crops. All animals with which New England farms are now stocked then well repaid in increase the care bestowed upon them. The manufacture of clothing was of slower growth. Thread and yarn were spun and knit by the women at home; but in a few years weaving and fulling mills were set up, and became remunerative. The manufacture of salt, saltpetre, gunpowder, and glassware gave employment to many, while the brickmaker, the mason, the carpenter, and indeed all kindred trades found occupation. The forests were a source of income. Boards, clapboards, shingles, staves, and, at a later period, masts had a ready sale. Furs and peltry, received in barter from the Indians, became features of an export trade. The fisheries should be specially enumerated as a source of wealth, and this industry led to the building of ships, which were the medium of commerce with the neighboring colonies, the West Indies, and even with Spain.[1]

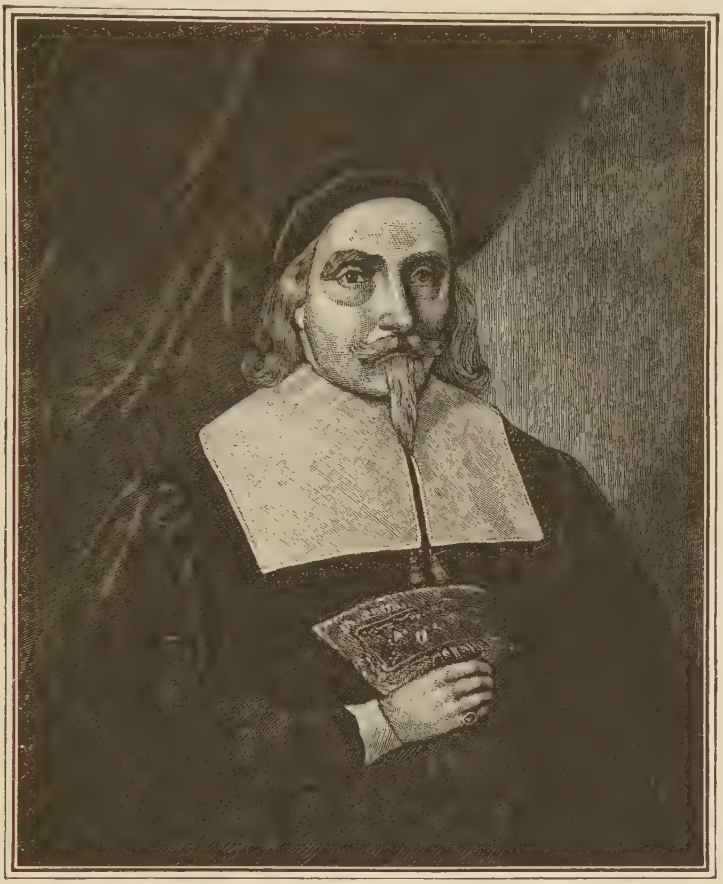
After the coin brought over by the settlers had gone back to England to pay for supplies, the colony was greatly embarrassed for a circulating medium, and Indian corn and beaver-skins were early used as currency, while wampum was employed in trade with the Indians. The colony, however, in 1652 established a mint, where was coined, from the Spanish silver which had been introduced from the West Indies, and from whatever bullion and plate might be sent in from any quarter, the New England money so well known in our histories of American coinage.[2] The relation of the colony to the surrounding New England plantations is noticed further on in the brief accounts given of those settlements.

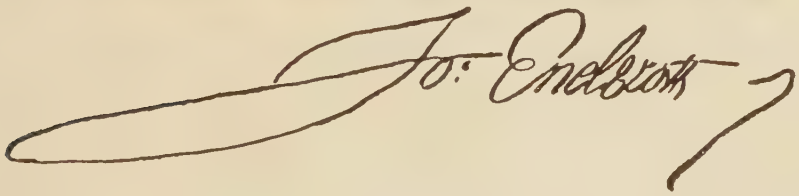
Events in England moved rapidly onward. The execution of King Charles occurred about two months before the death of Winthrop, which happened on the 26th of March, 1648/49, and it is certain that the latter never heard of the tragic end of his old master. The colonists prudently acknowledged their subjection to the Parliament, and afterward to Cromwell, so far as was necessary to keep upon terms with both. Hutchinson says that he had nowhere met with any marks of disrespect to the memory of the late king, and that there was no room to suppose they bore any disaffection to his son; and if they feared his restoration, it was because they expected a change in religion, and that a persecution of all Nonconformists would follow. Charles II. was tardily proclaimed in the colony, owing, per-

[1] Palfrey's *History of New England*, ii. 51–56.

[2] Ibid. pp. 57, 403–405; *Transactions of the American Antiquarian Society*, iii. 281–300

haps, to a lack of definite information as to the state of politics in England, and to rumors that the people there were in an unsettled condition. A loyal address was finally agreed upon and sent; but he was not proclaimed till August of the following year, 1661. The Restoration brought trouble to





the colony. Among those who laid their grievances before the King in Council were Mason and Gorges, each a grandson and heir of a more distinguished proprietor of lands in New England. They alleged that the colony had, in violation of the rights of the petitioners, extended its jurisdiction over the provinces of New Hampshire and Maine. The Quakers

[1] [See note on this portrait in the *Memorial History of Boston*, i. 309. — ED.]

and some of the Eastern people also had their complaints to make against the colony.

To the humble address made to the King a benignant answer was received; but an order soon afterward came that persons be sent over authorized to make answer for the colony to all complaints alleged against it. These agents on their return brought a letter from the King to the colony, in which he promised to preserve its patent and privileges; but he also required of the colony that its laws should be reviewed, and such as were against the King's authority repealed; that the oath of allegiance and the forms of justice be administered in the King's name; that no one who desired to use the book of Common Prayer should be prejudiced thereby as to the baptism of his children or admission to the sacrament or to civil privilege.

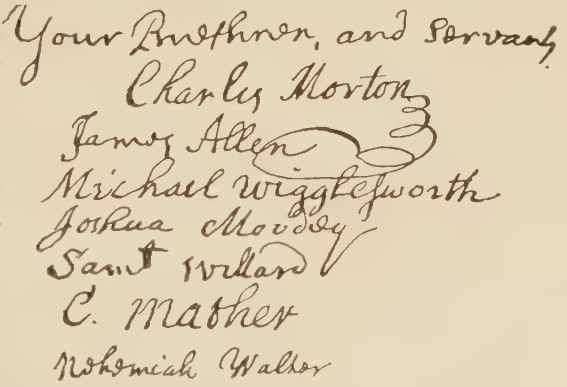
These requirements were grievous to the people of Massachusetts; but worse was to come. In the spring of 1664 intelligence was brought that several men-of-war were coming from England with some gentlemen of distinction on board, and preparations were made to receive them. At the next meeting of the General Court a day of fasting and prayer was appointed, and their patent and its duplicate were brought into Court and committed to the charge of four trusty men for safe-keeping. The ships arrived in July, with four commissioners having authority for reducing the Dutch at Manhados, and for visiting the several New England colonies, and hearing and determining all matters of complaint, and settling the peace and security of the country. Proceeding on their errand to the Manhados, the Dutch surrendered on articles.[1] In the mean time an address was agreed upon by the Court to be sent to the King, in which was recounted the sacrifices and early struggles of the colonists, while they prayed for the preservation of their liberties. Colonel Nichols remaining in New York, the other commissioners returned to New England, and, having despatched their business elswhere, came to Boston in May, 1665, after they had been joined by Colonel Nichols. Governor Endicott had died the preceding March, and Mr. Bellingham, the deputy-governor, stood in his place. The commissioners laid their claim before the Court, and demanded an answer. There was skirmishing on both sides. It is a long story, filling many pages of the colony records. The envoys asked to have their commission acknowledged by the government; but this would have overridden the charter of the colony, and placed the inhabitants at the mercy of their enemies. In short, the authorities refused to yield, and the commissioners, after being defeated in other attempts to effect their purpose, were called home. Several letters and addresses followed. Thus ended for a time the contest with the Crown. For nearly ten years there was an almost entire suspension of political relations between New England and the mother country. But the projects of the Home Government were not given over. Gorges and Mason persisted in their claims. In the mean time New England was ravaged by an Indian war, known as Philip's War. The distress was great, and the loss of

[1] [See chap. x. of the present volume, and chap. x. of Vol. IV. — Ed.]

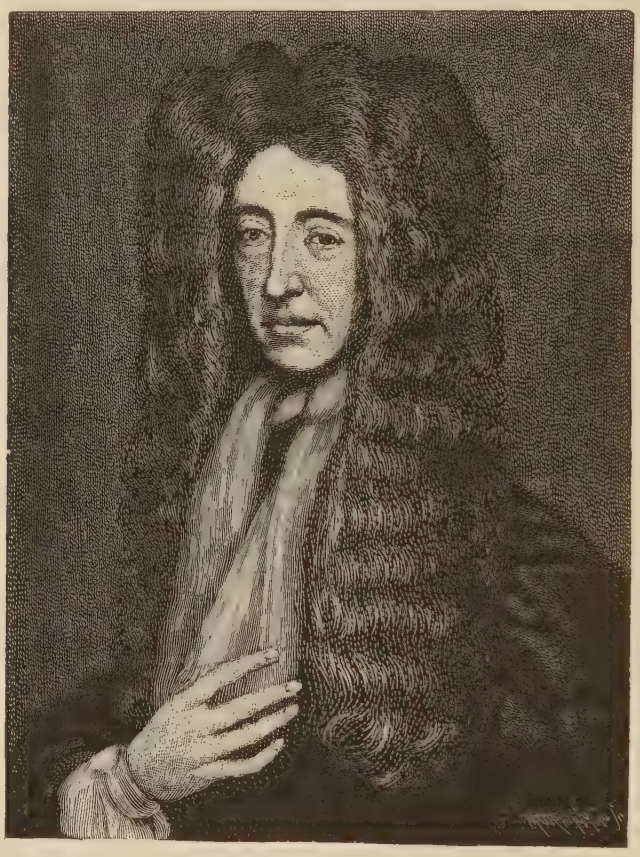
life fearful. During its progress Edward Randolph, the evil genius of New England, appeared on the scene, prepared for mischief. He arrived in July, 1676, with a letter from the King and with complaints from Mason and Gorges, and armed with a royal order for agents to be sent to England to

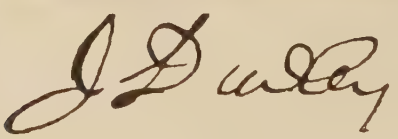
MEETING-HOUSE AT HINGHAM.[1]

[1] [This is considered the oldest meeting-house in present use in New England. It was erected in 1681. Cf. *The Commemorative Services of the First Parish in Hingham on the Two Hundredth Anniversary of the Building of its Meeting-House, Aug.* 8, 1881 (Hingham, 1882), with another view of the building, — a photograph; also E. A. Horton's *Discourse*, Jan. 8, 1882. A meeting-house of similar type, erected in Lynn in 1682, is represented in *Lynn, Her First Two Hundred and Fifty Years*, p. 117. The annexed autographs, taken from a document in the *Trumbull Manuscripts*, in the Massachusetts Historical Society's Cabinet, and dated 1690, represent some of the leading ministers of the colony at the close of the colonial period. Morton was of Charlestown; Allen of Boston; Wigglesworth, the author of the *Day of Doom*, a sulphurous poem greatly famous in its day, was of Malden; Moodey was of Portsmouth; Willard and Mather of Boston; and Walter of Roxbury. — ED.]



make answer. This was but the beginning of the end. The legal authorities in England, before whom the case was brought, decided that neither Maine nor New Hampshire was within the chartered limits of Massachusetts, and that the title of the former was in the grandson of the original proprietor. Whereupon the agent of Massachusetts bought the patent of Maine from its proprietor for £1,250, and stood in his shoes as lord paramount. This



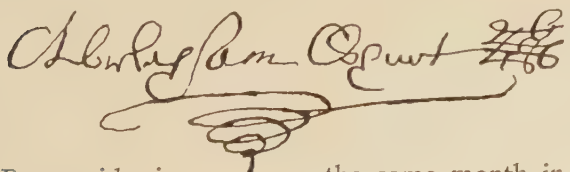


greatly displeased the King, and the hostility to the colony continued. Additional charges, such as illegal coining of money, violations of the laws of trade and navigation, and legislative provisions repugnant to the laws of England and contrary to the power of the charter, were now alleged against the colony. The agents of the colony and the emissaries of the Crown crossed and recrossed the ocean with apologies on the one hand and requi-

sitions on the other; but nothing would satisfy the Crown but the subjugation of the colony. A *quo warranto* against the Governor and Company was issued in 1683; and finally, by a new suit of *scire facias* brought in the Court of Chancery, judgment against the Company was entered up Oct. 23, 1684. Intelligence of this was not officially received till the following summer. Meantime the new king, James II., was proclaimed, April 20, 1685. The government of the colony was expiring. The "Rose" frigate arrived in Boston May 14, 1686, bringing a commission for Joseph Dudley as President of the Council for Massachusetts Bay, New Hampshire, and Maine, and the Narraganset country, or King's Province. There was no House of Deputies to oppose him. Dudley was succeeded by Sir Edmund Andros on the 19th of December, who had arrived in the frigate "Kingfisher," with a commission for the government of New England. He was detested by the colony, and the people only needed a rumor of the revolution in England, which reached Boston in the spring of 1689, to provoke a rising, and he was thrown into prison.[1] A provisional government, with the old charter-officers, was instituted, and continued till the new charter of 1691 was inaugurated.

MAINE. — There were many settlements on the coast of Maine prior to the grant to Gorges from the Council in 1635, and consequently before his subsequent charter from the King. Indeed, very little was done by Gorges as Lord Proprietor of Maine. The patents from the Council to the year 1633 had embraced the whole territory from Piscataqua to Penobscot, thus including the territory on both sides the Kennebec, which was claimed by the Pilgrims of Plymouth under their patent of Jan. 13, 1629/30. In various places settlements had already been begun. In the royal charter to Gorges, whose grant extended from Piscataqua to Sagadahoc, the rights of previous grantees were reserved to them, they relinquishing or laying down their *jura regalia.*

The earliest permanent settlement in this State, on the mainland, would seem to have been made at Pemaquid. One John Brown, of New Harbor,



bought land in that quarter of the Indians as early as July 15, 1625, the acknowledgment of the deed being taken by Abraham Shurt, of Pemaquid, in the same month in the following year, if there is no error in Shurt's deposition. Shurt says that he came over as the agent of the subsequent proprietors, Aldsworth and Elbridge, who had a grant of Pemaquid from the Council, issued Feb. 29, 1631/32, and that he bought for them the Island of Monhegan, on which a fishing settlement, temporarily broken up in 1626, was made three years before.

The settlement at the mouth of the Saco River must have begun soon

[1] See chapter x.

after Richard Vines took possession of his grant there in 1630. During the same year Cleeves and Tucker settled near the mouth of the Spurwink; but in two years they removed to the neck of land on which Portland now stands, and laid the foundation of that city. In applications to the Council for grants of land made respectively to Walter Bagnall and John Stratton, Dec. 2, 1631, the former represents himself to have lived in New England "for the space of seven years," and the latter "three years last past." Bagnall's patent included Richmond Island, where he had lived some three years at least. He was killed by the Indians two months before the Council acted upon his application. Stratton's grant was located at Cape Porpoise. Bagnall probably had been one of Thomas Morton's unruly crew at Mt. Wollaston, in Boston Harbor.

In 1630 what is known as the "Plough Patent" was issued by the Council. The original parchment is lost, and it is nowhere recorded. The grant was bounded on the east by Cape Elizabeth, and on the west by Cape Porpoise, a distance of some thirty miles on the sea-coast. This included the patents on the Saco River previously granted, against which Vines protested. There was early a dispute as to its extent. The holders of it came over in the ship "Plough," in 1631. They went to the eastward; but not liking the place, came to Boston. They subsequently fell out among themselves, and, as Winthrop says, "vanished away." Afterward the patent fell into the hands of others, and played an important part for a number of years in the history of Maine, of which notice will be taken further on.

On Dec. 2, 1631, a grant of land of twenty-four thousand acres in extent was made to a number of persons, including Ferdinando Gorges, a grandson of Sir Ferdinando, then some three years of age. This territory was on both sides of the Acomenticus River. Some settlements were made here about this time, and April 10, 1641, after the Gorges government was established, the borough of Acomenticus was incorporated, and in the following March the place was chartered as the city of "Gorgeana."

There were other early settlements on the coast of Maine, but we have no space for their enumeration. The inhabitants, really or nominally, for the most part sympathized with the Loyalist party as well in politics as in religion, and it was the policy of the proprietor of Maine to foster no opposing views. They were subjected to no external government until the arrival of Captain William Gorges, in 1636, as deputy-governor, with commissions to Richard Vines and others as councillors of the province, to which the name of "New Somersetshire" was given. The first meeting of the commissioners was held at Saco, March 25, 1636, where the first provincial jurisdiction in this section of New England was exercised. The records of this province do not extend beyond 1637, and it is uncertain whether the courts continued to be held until the new organization of the government of Maine in 1640. In 1636 George Cleeves, a disaffected person who lived at Casco, went to England, and next year returned with a commission from Sir Ferdinando Gorges, authorizing several persons in Massachusetts

Bay to govern his province of New Somersetshire, and to oversee his servants, etc. The authorities of the Bay declined the service, and the matter "passed in silence." Winthrop says they did not see what authority Gorges had to grant such commissions.

The charter of Maine, which covered the same territory as New Somersetshire, having been granted to Sir Ferdinando Gorges, he issued a commission for its government. This included a number of his kinsmen, with Thomas Gorges as deputy-governor. The first General Court under this government was held at Saco, June 25, 1640, under an earlier commission and before the arrival of the deputy-governor. This Court exercised the powers of an executive and legislative, as well as of a judicial, body, in the name of "Sir Ferdinando Gorges, Knight, Lord Proprietor of the Province of Maine." The second term of the Court was held in September, when the Deputy-Governor was present. He made his headquarters at Gorgeana. The records of the courts between 1641 and 1644, inclusive, are not preserved. Deputy-Governor Gorges sailed for England in 1643, leaving Richard Vines at the head of the government. At a meeting held at Saco in 1645, the Court, not having heard from the proprietor, appointed Richard Vines deputy-governor for one year, and if he departed within the year, Henry Josselyn was to take his place. The civil war was raging in England at this time, and Sir Ferdinando Gorges was active for the King, and was in Prince Rupert's army at the siege of Bristol. When that city was retaken by the Parliamentary forces, in 1645, he was plundered and imprisoned. Under these circumstances he had no time to give to his distant province. In 1645 the Court ordered that Richard Vines shall have power to take possession of all goods and chattels of Sir Ferdinando Gorges, and to pay such debts as Gorges may owe.

But Gorges' authority was not, meanwhile, without its rival. Not long after the government under the charter of 1639 had been organized, George Cleeves, of Casco, again went to England, and induced Alexander Rigby, "a lawyer and Parliament-man," from Wigan, Lancashire, to purchase the abandoned Plough patent before mentioned, which he did, April 7, 1643; and Cleeves received a commission from him, as deputy, to administer its affairs. By the following January he had returned, and, landing at Boston, he solicited the aid of the Massachusetts Government against the authority of Gorges; but that Government declined to interfere. Cleeves claimed that Casco was within the bounds of his patent, and he immediately set up his authority as "Deputy-President of the Province of Lygonia," extending his jurisdiction over a large part of the Province of Maine, which was then under the administration of Richard Vines, as deputy for Gorges. This produced a collision, and both parties appealed to Massachusetts, which declined, as before, to act; but finally, in 1646, after Vines had left the country, the Bay Government consented to serve as umpire; but no conclusion was reached. Winthrop says that both parties failed of proof; and as a joint appeal had been made to the Commissioners for Foreign Planta-

tions in England, they were advised in the mean time to live peaceably together. Rigby's position and influence in Parliament secured a decision in his favor, while Gorges at that time was in no position to protect his interests. The decision of the Commissioners, which was given in 1646, terminated Gorges' jurisdiction over that part of Maine included in the Province of Lygonia, embracing the settlements from Casco to Cape Porpoise, and including both. The last General Court under the authority of Gorges, of which any record exists, was held at Wells, in July of this year.

At length, in 1649, the inhabitants of the western part of this province, between Cape Porpoise and Piscataqua River, — including Wells, Gorgeana, and Piscataqua, — having had intelligence in 1647 of the death of the proprietor (Gorges died in May of that year, and was buried on the fourteenth of the month), and finding no one in authority there, and having in vain written to his heirs to ascertain their wishes, formed a combination among themselves. Mr. Edward Godfrey was chosen governor, the style of the "Province of Maine" being still retained. This state of things continued till 1652/53, when the towns were annexed to Massachusetts. The inhabitants then living between Casco and the Kennebec were few in number. Thomas Purchase, one of the proprietors of the Pejepscot patent, had, in 1639, conveyed a large tract to Massachusetts with alleged powers of government over it. The people living within the Kennebec patent were regarded as belonging to the jurisdiction of New Plymouth.

In the mean time the inhabitants under the Lygonia government quietly submitted to its authority. Alexander Rigby died in August, 1650, and the proprietorship of Lygonia fell to his son Edward. In brief, the government was soon at an end. The inhabitants of Cape Porpoise and Saco submitted to Massachusetts in 1652, and the remaining settlements in 1658. Thus was accomplished what the Bay Colony had for some time been aiming to effect, — the bringing of these eastern settlements under her jurisdiction. Having decided that the northern boundary of her patent extended three miles above the northernmost head of the Merrimac River, the commissioners appointed on a recent survey showed that the northern line, as run by them, terminated at Clapboard Island (about three miles eastward of Casco peninsula); and this brought the Maine settlements within the bounds of the Massachusetts charter. This state of things continued till after the restoration of Charles II., when the hopes of those favorable to the Gorges interest began to revive. Young Ferdinando Gorges, the grandson and heir of the old proprietor, petitioned the Crown to be restored to his inheritance. His agent, Mr. Archdale, came into the province, and appointed magistrates to act under his authority, but the Government of Massachusetts speedily repressed all such movements. Charles II., however, soon directed his attention to New England. He appointed four commissioners to proceed thither, charged with important duties and clothed with large powers. They, or three of them, visited the province in the summer of 1665, and at York issued a proclamation to the inhabitants of Maine, requiring them to sub-

mit to the immediate protection and government of the King; and in his Majesty's name forbidding the magistrates either of Massachusetts or of the claimant to exercise jurisdiction there, until his Majesty's pleasure should be further known. A provisional government was therefore established, and the revival of the Church of England was encouraged.

In the previous year the Duke of York received a charter of the Province of New York, and, embraced within the same document, was a grant of the territories between the St. Croix and Pemaquid, which was interpreted to include Pemaquid and its dependencies; and a government was subsequently erected there under the name of Cornwall County. After the Duke became King it was a royal province. This was beyond the eastern bounds of the Province of Maine. There had scarcely been even a pretence of a civil government here under the old patents. The Royal Commissioners speak of the low moral condition of the people of this region. "For the most part," they say, "they are fishermen, and share in their wives as they do in their boats." The government under the Duke of York was of an uncertain character, and was subject to the contingencies of political changes; and in 1674 the Government of Massachusetts, on the petition of the inhabitants, took them for a time under its protection. During the Indian wars which scourged the eastern settlements, in the latter part of that century, the Pemaquid country was wholly depopulated.

The Government established by the Royal Commissioners in the Province of Maine never possessed any permanent principle or power to give sanction to its authority, and in 1668 it had nearly died out; at this time the inhabitants there looked to the wise and stable Government of Massachusetts for relief, and so petitioned to be again taken under its jurisdiction. Four commissioners, therefore, accompanied by a military escort were sent from the Bay, and reaching York in July, 1668, assumed jurisdiction "by virtue of their charter." There were a few prominent individuals who did not quietly submit, but they were summarily dealt with. Renewed exertions were now made by the proprietor and his friends for a recognition of his title, and at length they so far prevailed as to obtain letters from the King, dated March 10, 1675/76, requiring the Massachusetts Colony to send over agents with full instructions to answer all complaints. The agents appeared within the time specified, and after a full hearing the authorities decided that neither Maine nor New Hampshire was within the chartered limits of Massachusetts, and that the government of Maine belonged to the heir of Sir Ferdinando Gorges. Soon after this decision an agent of Massachusetts made a proposition for the purchase of the province, which was accepted; and in March, 1677/78, Ferdinando Gorges transferred his title for £1,250, and Massachusetts became lord-paramount of Maine. This proceeding was a surprise to the inhabitants of the province, and, as might have been expected, gave offence to the King, who ineffectually demanded that the bargain should be cancelled. Massachusetts, as the lawful assign of Ferdinando Gorges, now took possession of the province. A

proclamation to that effect was issued March 17, 1679/80; and a government was set up at York, of which Thomas Danforth was deputed to be president for one year. This state of things continued till the accession of James II., when the events in Maine were shaped by the revolution which took place in Massachusetts, and Danforth was in the end provisionally restored, as Bradstreet had been in the Bay.

New Hampshire. — The first settlement in New Hampshire was made by David Thomson, a Scotchman, in the spring of 1623, at Little Harbor, on the south side of the mouth of Piscataqua River. He had received a patent from the Council of New England the year before, and came over in the ship "Jonathan," of Plymouth, under an indentured agreement with three merchants of Plymouth in England. He lived at Little Harbor till 1626, when he removed to an island in Boston Harbor, which now bears his name. By 1628 he had died, leaving a wife and child. There is reason to believe that the settlement at Little Harbor was continued after Thomson left the place.

Following Thomson, — perhaps about 1627, — came Edward Hilton, a fishmonger of London, who settled six miles up the river, on a place afterward called Hilton's Point, or Dover Neck. Here he was joined by a few others, including his brother William and his family, who had been at New Plymouth. In 1630 Hilton and his associates received from the Council a patent of the place on which he was settled. This was dated March 12, 1629 (O. S.), and the whole or part of it they soon sold to some merchants of Bristol in England. Two years later the patent, or a large interest in it, was purchased by Lord Say, Lord Brook, and other gentlemen friendly to Massachusetts. This latter agreement was effected through the agency of Thomas Wiggin, who had gone over to England in 1632, and who in the following year returned, bringing with him a large accession to the settlement, which included a "worthy Puritan divine," who soon left for want of adequate support. Other ministers came, and some laymen, all of whom had been in bad repute in Massachusetts. Although the inhabitants went through the form of electing magistrates, there was no authorized government. The original proprietor of the patent had left the place, and scenes of confusion, both civil and ecclesiastical, sometimes highly amusing, characterized the settlement for a number of years. In 1637 the people combined into a body politic, which seems not to have received general sanction, and the notorious George Burdett supplanted Wiggin, the former governor; but the troubles which subsequently ensued led to a new combination, Oct. 22, 1640, signed by forty-two persons, or nearly every resident. Massachusetts had for some years desired to bring the several governments on the Piscataqua and its branches under her jurisdiction, and had, by an early revision of the northern boundary of her patent, decided

that it included them. The inhabitants here desired to be under a stable government, and on June 14, 1641, they submitted to the Massachusetts authorities, and the Act of Union was passed by that Government, Oct. 9 following.[1]

The next independent settlement was made by the Laconia Company in 1630. This company was formed soon after the Laconia patent of Nov. 17, 1629, was granted to Sir Ferdinando Gorges and John Mason. It was an unincorporated association of nine persons, most of whose names appear in a subsequent grant of land, to be presently mentioned. Some of these associates had been members of the Canada Company, of which Sir William Alexander was the head, who had undertaken the conquest of Canada as a private enterprise, under the command of Sir David Kirke. The fur-trade of that province was the tempting prize. The sudden peace which followed the conquest, with the stipulation that all articles captured should be restored, brought the Canada Company to grief. Ten days after the return of the expedition, Sir Ferdinando Gorges and John Mason took out the patent above mentioned. The purpose of the Company was to engage in the fur-trade; to send cargoes of Indian truck-goods to the Piscataqua and unlade them at their factories near the mouth of the river, and thence to transport them in boats or canoes up the river to Lake Champlain, to be bartered there for peltries for the European market. Their patent was a grant of a vaguely bounded territory on the lakes of the Iroquois, which they named Laconia. The first vessel despatched to Piscataqua was the barque "Warwick," which sailed from London the last of March, 1630, and which by the first of June had arrived, with Walter Neal, governor, and Ambrose Gibbons, factor, and some others. They took possession of the house and land at Odiorne's Point, Little Harbor, which Thomson had left in 1626, — perhaps by an agreement with his associates. In the following year others were sent. Stations for the Company's operations were also established at Strawberry Bank (Portsmouth), and at Newichwaneck (South Berwick), on the eastern side of the river. Captain Neal was charged with the duty of penetrating into the interior of the country in search of the lakes of Laconia. This he finally attempted, but without success. Hubbard says that "after three years spent in labor and travel for that end, or other fruitless endeavors, and expense of too much estate, they returned back to England with a *non est inventa Provincia*." The Company also attempted to carry on, in connection with the peltry business, the manufacture of clapboards and pipe-staves, and the making of salt from sea-water. A fishing station was also set up at the Isles of Shoals. Large quantities of truck-goods were sent over, which were put off to advantage for furs brought to the factories by the Indians. In order to afford the Company greater facilities, and to secure to themselves what they had already gained, they had, on Nov. 3,

[1] Hilton's Point (Dover) about the year 1640 was called North-ham, in compliment to Thomas Larkham, who in that year arrived there from North-ham in England. Wiggin was governor here five years, George Burdett two, John Underhill three, and Thomas Roberts one.

1631, procured a grant from the Council of a tract of land on each side of the Piscataqua River, in which the Isles of Shoals were included.

But success did not attend their operations. The returns were inadequate to the outlay, and there was bad management and alleged bad faith on the part of the employés; the larger part of the associates became discouraged, and at the end of the third year they decided to proceed no further till Captain Neal should return and report upon the condition of affairs. Neal left Piscataqua July 15, 1633, and sailed from Boston in August. His report was probably not encouraging, for the Company proceeded later to wind up its affairs, and in December following they divided their lands on the east side of the river. In May, 1634, a further division was made, by which it appears that Gorges and Mason, by purchase from their partners, had acquired one half of the shares; and of this part Mason owned three fourths. Gibbons, their factor, was now directed to discharge all the servants and pay them off in beaver. Mason next sent over a new supply of men, and set up two saw-mills on his own portion of the lands; but after this we have no account of anything being done by him or by any other of the adventurers on the west side. Neither have we seen evidence of any division of lands having been made on the west side. Hubbard says that in some "after division" Little Harbor fell to Mason, who mentions it in his will. But Mason in that instrument claims and bequeaths his whole grant of New Hampshire of April 22, 1635, which included the part mentioned by Hubbard. Mason died before the close of the year 1635. What course was taken by his late partners or by the heirs of Mason during the two following years, there are but few contemporary documents to tell us. In 1638 Mrs. Mason, the executrix of John Mason's estate, appointed Francis Norton her general attorney to look after her interests in those parts. But the expenses were found to be so great and the income so small, and the servants were so clamorous for their arrears of pay, that she was obliged to relinquish the care of the plantation, and tell the servants to shift for themselves. Upon this they shared the goods and cattle, while some kept possession of the buildings and improvements, claiming them as their own. Charges were afterward brought against her agents and servants for embezzling the estate. Some years later suits were brought in her name and in that of the other proprietors in the courts of Massachusetts against the inhabitants of Strawberry Bank and of Newichwaneck, for encroaching upon the lands in the Laconia patent. As a conclusion of this summary sketch of the Laconia Company, it may be added that the records of the old Court of Requests of London show that, on the dissolution of the Company, suits sprang up among the adventurers themselves, which were for a long time in litigation.

After Captain Neal went to England the Company appointed Francis Williams to be governor in his place. As Strawberry Bank (the place was not called Portsmouth till 1653) had no efficient government during all this time, the inhabitants now by a written instrument, signed by forty-one per-

sons, formed a combination among themselves, as Dover had done, and Francis Williams was continued governor. The people belonged principally to the Church of England, and during this combination they set apart fifty acres of land for a glebe, committing it in trust to two church wardens.[1] Reference has already been made to the successful attempts of the Massachusetts Government to bring all the Piscataqua settlements under her jurisdiction. The people of Strawberry Bank were as successfully wrought upon as those of Dover were, and the same agreement of June 14, 1641, included the submission of both, and certain proprietors named, in behalf of themselves and of the other partners of the two patents, subscribed to the paper.

Of no one of the grants issued to John Mason, or in which he had a joint interest, covering the territory of New Hampshire (except those connected with the Laconia Company) did he make any improvement, — and these grants were that of Aug. 10, 1622, with Gorges, between the Merrimac and Sagadahoc; that of Nov. 7, 1629, between the Merrimac and the Piscataqua; and that of April 22, 1635, between Naumkeag and the Piscataqua. The territory now known as New Hampshire was never called by that name, except by Mason in his last will, till 1661, when, through the discussions consequent upon the claims of the heir of Mason, this designation was introduced for the first time.

The independent settlement at Exeter was made in 1638 by John Wheelwright and others; and of these pioneers Wheelwright himself with some companions had been banished from Massachusetts in the previous year. They bought their lands in April of that year from the Indians. On the 5th of June, 1639, they formed a combination as a church and as subjects of King Charles, promising to submit to all laws to be made. It was signed by thirty-one persons, of whom fourteen made their marks. In 1643 they came under Massachusetts. The order of the General Court of that colony recites, under date of September 7, that, finding themselves within the bounds of Massachusetts, the inhabitants petitioned to be taken under her jurisdiction. Wheelwright then removed to Wells, in the Province of Maine.

Hampton, where the "bound-house" was built by Massachusetts in 1636, was considered from the first as belonging to the jurisdiction of Massachusetts. A union having been thus formed between the settlements on the Piscataqua River and its branches and the colony of Massachusetts, their history for the next forty years is substantially the same. These plantations were governed by the general laws of Massachusetts, and the terms of union were strictly observed.[2]

But Massachusetts was destined to be arraigned by the heir of the old patentee of New Hampshire, Robert Tufton Mason, who at the Restoration

[1] It is by virtue of this agreement that the lands are still held.

[2] [The so-called Endicott Rock, with its inscription dated 1652, fixed the northern limits of New Hampshire at the head-waters of the Merrimac River, and as a part of Massachusetts. Cf. *Granite Monthly*, v. 224; *N. E. Hist. and Geneal. Reg.*, i. 311; *Mass. Hist. Soc. Proc.* xviii. 400; *New Hampshire Historical Collections*, iv 194. — Ed.]

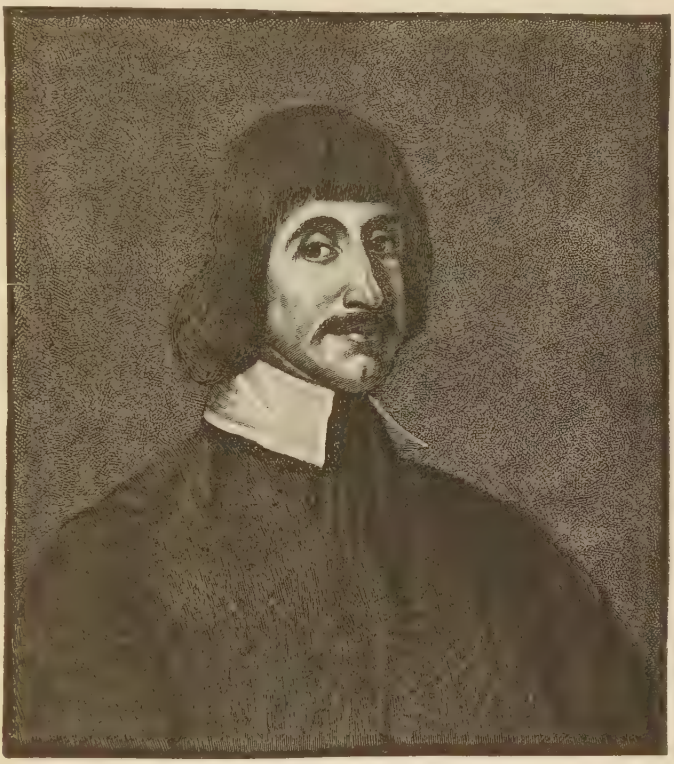
pressed his claim on the attention of the Crown. Finally, after a long struggle, the judges in 1677 advised that Mason had no right to the government of New Hampshire, but that the four towns of Portsmouth, Dover, Exeter, and Hampton were beyond the bounds of Massachusetts, whose northern boundary was thereby driven back to its old limits, while its charter of 1629 was held to be valid. In 1679 a revised opinion was given by the attorney, Jones, to the effect that Mason's title to the soil must be tried on the spot, where the ter-tenants could be summoned. A new government was now instituted by the Crown for New Hampshire, and a commission was issued to John Cutt as president for one year.

This form of government, the administration of which was arbitrary and very unpopular throughout the province, continued till the time of Dudley and Andros, whose commissions rode over all others preceding. On the downfall of Andros New Hampshire was for a short time again united to Massachusetts.

CONNECTICUT. — Connecticut was settled in 1635 and 1636 by emigrants from three towns in Massachusetts, — namely, Dorchester, Watertown, and Newtown (Cambridge); those from Newtown arriving in 1636. Their places of settlement on the Connecticut River bore for a while the names of the towns in Massachusetts whence the emigrants came; but in February, 1637, the names of Windsor, Wethersfield, and Hartford were substituted. The Rev. Thomas Hooker and the Rev. Samuel Stone accompanied the people from Newtown. The Rev. John Warham joined his people at Windsor, and the Rev. Henry Smith was chosen pastor of the church at Wethersfield. These several communities, though beyond the borders of Massachusetts, were instituted under her protection, and for one year they were governed by a commission issuing from the General Court of that colony. Springfield, settled in 1636, was in this commission united with the lower plantations. This provisional arrangement was found to be inconvenient, and at the end of the year the several towns took the government into their own hands, and a General Court was held at Hartford, May 1, 1637. Preparations were now made for the impending Pequot war, which called out all the strength of the feeble settlements. On its conclusion, after arrangements had been made for future security from savage foes, and for the purchase of food till the new fields should become productive, the inhabitants of these towns — Springfield, now suspected, and soon afterward declared, to be within the bounds of Massachusetts, excepted — formed a constitution among themselves, bearing date Jan. 14, 1638/39. This instrument has been called "the first example in history of a written constitution, — a distinct organic law constituting a government and defining its powers."[1] It contained no recognition of any external authority, and provided that all persons should be freemen, who should be admitted as such by the freemen of

[1] Bacon, quoted by Palfrey, i. 535, 536.

the towns, and should take the oath of allegiance. It continued in force, with little alteration, for one hundred and eighty years. John Haynes[1] was the first governor; and he and Edward Hopkins held the office during most of the time for the next fifteen years. In 1657 John Winthrop, son of the Massachusetts governor, was chosen, and continued to serve till the acceptance of the new charter by New Haven, when he was continued in that office.



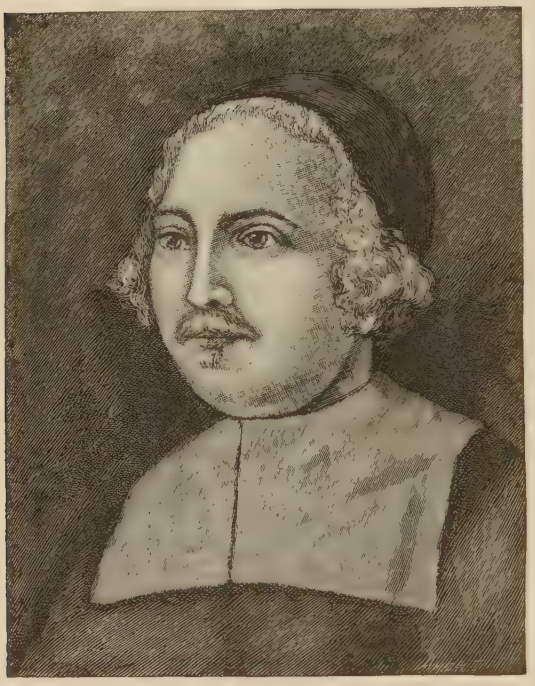
Meanwhile, in October, 1635, this same John Winthrop, Jr., had returned from England with a commission from Lord Say and Sele, Lord Brook, and others, their associates, patentees of Connecticut, constituting him "governor of the River Connecticut, with the places adjoining," for the space of one whole year. He was instructed to build a fort near the mouth of the river, and to erect habitations; and he was supplied with means to carry out this purpose. He brought over with him one Lion Gardiner, an expert engineer, who planned the fortifications, and was

[1] [What purported to be a portrait of Haynes appeared in C. W. Elliott's *History of New England;* but it was later proved to be a likeness of Fitz John Winthrop, and the plate was withdrawn. Cf. *Mass. Hist. Soc. Proc.* xii. 213. — Ed.]

[2] [This portrait hangs in the gallery of the Massachusetts Historical Society. A heliotype of it will be found in the *Winthrop Papers*, Part iv., and in Bowen's *Boundary Disputes of Connecticut.* — Ed.]

appointed lieutenant-governor of the fort. It was expected that a number of "gentlemen of quality" would come over to the colony, and some disposition was at first shown to remove the settlers of the towns on the river who had "squatted" on the lands of the Connecticut patentees.

In the summer of 1639 George Fenwick, who was interested in the patent, and his family came over in behalf of the patentees, and took possession of the place, intending to build a town near the mouth of the river. A settlement was made, and named Saybrook, in honor of the two principal patentees. The government of the town was entirely independent of Connecticut till 1644/45, when Fenwick, as agent of the proprietors, transferred by contract to that government the fort at Saybrook and its appurtenances, and the land upon the river, with a pledge to convey all the land thence to Narragansett River, if it came into his power to convey it.



John Davenport [1]

In 1638 a settlement was made at Quinnipiack, afterward called New Haven, under the lead of John Davenport. The emigrants, principally from Massachusetts, — like those of the river towns, — had no patent or title to the land on which they planted, but made a number of purchases from the Indians. Here, in April, under the shelter of an oak, they listened to a sermon by Davenport, and a few days afterward formed a "plantation covenant," as preliminary to a more formal engagement, — all agreeing to be ordered by the rule of Scripture. This colony, as well as that just described, sympathized substantially in religious views with Massachusetts.

On the 4th of June, 1639, all the free planters met in a barn "to consult

[1] [The editor is indebted to Professor F. B. Dexter, of Yale College, for a photograph of the original picture, which is in New Haven, painted on panel, and bears the inscription, "J. D. obiit, 1670." Davenport left Connecticut in 1668 to become the successor of John Wilson in Boston, and died as the pastor of the First Church in Boston, March 11, 1670. Cf. *Memorial History of Boston*, i. 193, and the important paper on Davenport by Professor Dexter, printed in the *New Haven Historical Society's Papers*, vol. ii. — Ed.]

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about settling civil government according to God." Mr. Davenport prayed and preached, and they then proceeded, by his advice, to form a government. They first decided that none but church members should be free burgesses. Twelve men were then chosen, who out of their own number chose seven to constitute a church; and on the "seven pillars" thus chosen rested also the responsibility of forming the civil government. On October 29 these seven persons met, and, after a solemn address to the Supreme Being, proceeded to form the body of freemen, and to elect their civil officers. Theophilus Eaton was chosen to be governor for that year; indeed, he continued to be rechosen to the office for nearly twenty years, till his death. This was the original, fundamental constitution of New Haven. A few general rules were adopted, but no code of laws established. The Word of God was to be taken as the rule in all things.

This year settlements were made at Milford and at Guilford, each for a time being independent of any other plantation. Connecticut had also interposed two new settlements between New Haven and the Dutch, at Fairfield and at Stratford.

CONNECTICUT RIVER, 1666.[1]

[1] [This is taken from a Dutch map which appeared at Middleburgh and the Hague in 1666, in a tract belonging to the controversy between Sir George Downing and the States General. It follows the fac-simile given in the Lenox edition of Mr. H. C. Murphy's translation of the *Vertoogh van Nieu Nederland*. It also is found as a marginal map in the *Pas Kaart van de Zee Kusten van Nieu Nederland*, published at Amsterdam by Van Keulen, which shows the coast from Narragansett Bay to Sandy Hook, where is also a portion of the map of the Hudson given in the notes following Mr. Fernow's chapter in Vol. IV. The *Pas Kaart* is in Harvard College Library (Atlas 700, No. 9). No. 10 of the same atlas is *Pas Kaart van de Zee Kusten inde Boght van Nieu Engeland*, which shows the coast from Nantucket to Nova Scotia. — ED.]

In 1642 the capital laws of Connecticut were completed and put upon record; and in May, 1650, a code of laws known as "Mr. Ludlow's Code was adopted." In 1643 Connecticut and New Haven were both included in the New England Confederation, as mentioned on an earlier page, and the articles of union were printed in 1656, with the code of laws which was adopted by New Haven, as drawn up by Governor Eaton, the manuscript having been sent to England to be printed.

The old patent of Connecticut mentioned in the agreement with Fenwick seems never to have been made over to the colony; and they were very anxious, on the restoration of Charles II. in 1660, for a royal charter, which would secure to them a continuance and confirmation of their rights and privileges. Governor John Winthrop was appointed as agent to represent the colony in England, for this purpose; and in April, 1662, he succeeded in procuring a charter, which included the colony of New Haven. The charter conveyed most ample powers and privileges for colonial government, and confirmed or conveyed the whole tract of country which had been granted to Lord Say and Sele and others. Mr. Davenport and other leading men of that colony were entirely opposed to a union with Connecticut; and the acceptance of the new charter was resisted till 1665, when the opposition was overcome, and the colonies became united, and at the general election in May of that year John Winthrop was elected to be governor.

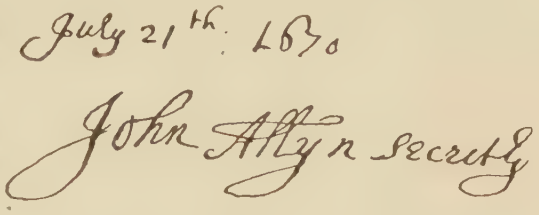
It is needless to say that the church polity of Connecticut and New Haven, from the beginning, was substantially that of Massachusetts. Their clergymen assisted in framing the Cambridge Platform in 1648, which was the guide of the churches for many years. Hooker's *Survey* and Cotton's *Way of the Churches Cleared* (London, 1648) were published under one general titlepage covering both works. After a few years the harmony of the churches was seriously disturbed by a set of new opinions which sprang up in the church at Hartford, and which finally culminated in the adoption by a general council of Connecticut and Massachusetts churches, held in Boston in 1657, of the "Half-Way Covenant." New Haven held aloof. Political motives lent their influence in the spread of the new views; and while the government of Connecticut attempted to enforce the resolutions of the synod, the churches long refused to comply.[1]

The union of the two communities under one charter gave strength to both, and the colony prospered, while Winthrop felt the strong control of a robust spirit in John Allyn, the secretary of the colony.[2] There were

[1] At last, in 1696, what was termed "owning the covenant" was first introduced into the church at Hartford. Under the influence of the synod held in Boston in 1662 of Massachusetts churches alone, the "Half-Way Covenant" had been adopted in that colony. A want of a closer union among the churches was a growing feeling in the colony of Connecticut not provided for by the Cambridge Platform; and the Saybrook Platform, the result of a Connecticut synod held in 1708, was an attempt to provide for this want. This ecclesiastical document was printed in New London in 1710, in a small, thin volume called a *Confession of Faith*, etc.; and is the first book, says Isaiah Thomas, printed in Connecticut. Trumbull, i. 471, 482.

[2] Palfrey's *History of New England*, vol. iii. p. 238.

of course constant occasions of annoyance and dissension, both civil and religious. Their wily foe, the Indian, did not cease wholly to disturb their repose. But during Philip's War, which was so disastrous to Massachusetts, Plymouth, and Rhode Island, there was less suffering in Connecticut. Conflicts of jurisdiction, both east and west, growing out of the uncertain boundaries of its grant, though it ran west to the South Sea, were of long duration. No sooner had the commissioners, appointed by the King in 1683, made a favorable decision for Connecticut in her controversy with Rhode Island in regard to the Narragansett country, than a new claimant arose. At the division of the grand patent in 1635, James, Marquis of Hamilton, had assigned to him the country between the Connecticut and the Narragansett rivers; but his claim slumbered only to be revived by his heirs at the Restoration, — and now a second time, through Edward Randolph, the watchful and untiring enemy of New England. The prior grant to Lord Say and Sele, confirmed by the charter of April 23, 1662, and the settlement of the country under it, was cited by Connecticut in their answer; and, in an opinion on the case a few years later, Sir Francis Pemberton said that the answer was a good one.



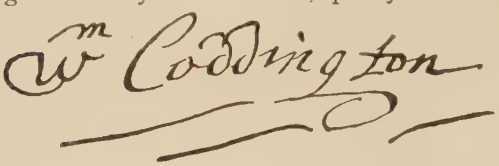
When James II. continued the attacks on the New England charters begun by the late king, with a view to bring all the colonies under the crown, Connecticut did not escape. A *quo warranto* was issued against the Governor and Company in July, 1685, and this was followed by notices to appear and defend; but the colony resisted, and petitioned, and final judgment was never entered. The colony's language to the King in one of its addresses to him was, however, construed as a surrender. Andros went from Boston to Hartford in October, 1687, and at a meeting of the Assembly, which was prolonged till midnight, demanded its charter. The story goes, that, by a bold legerdemain, the parchment, after the lights were blown out, was spirited away and hidden in the hollow of an oak-tree; nevertheless Andros assumed the government of the colony, under his commission. Thus matters continued till the Revolution of 1689, when the colony resumed its charter.

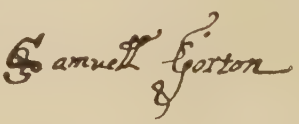
RHODE ISLAND. — Rhode Island was settled by Roger Williams in 1636, he having been banished from Massachusetts the year before. Professor George Washington Greene, in his *Short History of Rhode Island*, remarks, that in the settlement of the New England colonies the religious idea lay at the root of their foundation and development; that in Plymouth it took the form of separation, or a simple severance from the Church of England; in Massachusetts Bay it aimed at the establishment of a theocracy and the enforcement of a vigorous uniformity of creed and dis-

cipline; and that from the resistance to this uniformity came Rhode Island and the doctrine of soul-liberty.

Williams was banished from Massachusetts principally for political reasons. His peculiar opinions relating to soul-liberty were not fully developed until after he had taken up his residence in Rhode Island. Five persons accompanied him to the banks of the Mooshausic, and there they planted the town of Providence. Williams here purchased, or received by gift, a tract of land from the Indians, and he had no patent or other title to the soil. Additions were soon made to the little settlement, and he divided the land with twelve of his companions, reserving for them and himself the right of extending the grant to others who might be admitted to fellowship. An association of civil government was formed among the householders or masters of families, who agreed to be governed by the orders of the greater number. This was followed by another agreement of non-householders or single persons, who agreed to subject themselves to such orders as should be made by the householders, but "only in civil things." This latter is the earliest agreement on the records of the colony. In 1639, to meet the wants of an increasing community, five disposers or selectmen were chosen, charged with political duties, — their actions being subject to revision by the superior authority of the town meetings.

Meanwhile two other colonies had been planted on the shores of Narragansett Bay. The first, partly from the ranks of the Antinomians of Massachusetts, led by William Coddington and John Clarke, who settled at Pocasset (Portsmouth), in the northern part of the Island of Aquedneck in March, 1637/38; and their number so increased that in the following year, 1639, a portion of them moved to the south part of the island, and settled the town of Newport. Like Roger Williams, the settlers had no other title to the land than what was obtained from the natives. Another colony was planted at Shawomet (Warwick), in January, 1642/43, by Samuel Gorton, — a notorious disturber of the peace, — with about a dozen followers, who also secured an Indian title to their lands. Gorton had been in Boston, Plymouth, Portsmouth, and in Providence, and was an unwelcome resident in all, and at Portsmouth he had been whipped. About 1640, with some followers, he came to Pawtuxet, in the south part of Providence, and, taking sides in some previous land quarrel there, prevailed. The weaker party appealed to Massachusetts for protection, and finally subjected themselves and their lands to that government; upon which Gorton and his followers fled south to Shawomet. Soon afterward, by the surrender to Massachusetts of a subordinate Indian chief, who claimed the territory there, purchased by Gorton of Miantonomi, that Government made a demand of jurisdiction there also; and as Gorton





refused their summons to appear at Boston, Massachusetts sent soldiers, and captured the inhabitants in their homes, took them to Boston, tried them, and sentenced the greater part of them to imprisonment for blasphemous language to the Massachusetts authorities. They were finally liberated, and banished; and as Warwick was included in the forbidden territory, they went to Rhode Island. Gorton and two of his friends soon afterward went to England.

The inhabitants on the island formed themselves into a voluntary association of government, as they had done at Providence. The community at Warwick was at first without any form of government.

Feeling a sense of a common danger, the little settlements of Providence and Rhode Island sent Roger Williams to England, in 1643, to apply for a charter. He found the King at open war with the Parliament; but from the Parliamentary commissioners, with the Earl of Warwick at their head, he procured a charter of "Incorporation of Providence Plantations in the Narragansett Bay in New England," dated March 14, 1643; that is, 1644 (N. S.). Three years were allowed to pass before the charter was formally accepted by the plantations; but in May, 1647, the corporators met at Portsmouth, and organized a government; and Warwick, whither Gorton and his followers had now returned, though not named in the charter, was admitted to its privileges. This franchise was a charter of incorporation, as its title indicates; but it contained no grant of land. It recites the purchase of lands from the natives; and the Government under it claimed the exclusive right to extinguish the Indian title to lands still owned by the tribes within its boundaries. The code of laws adopted when the charter was accepted is an attempt to codify the common and statute laws of England, or such parts as were thought binding or would suit their condition.

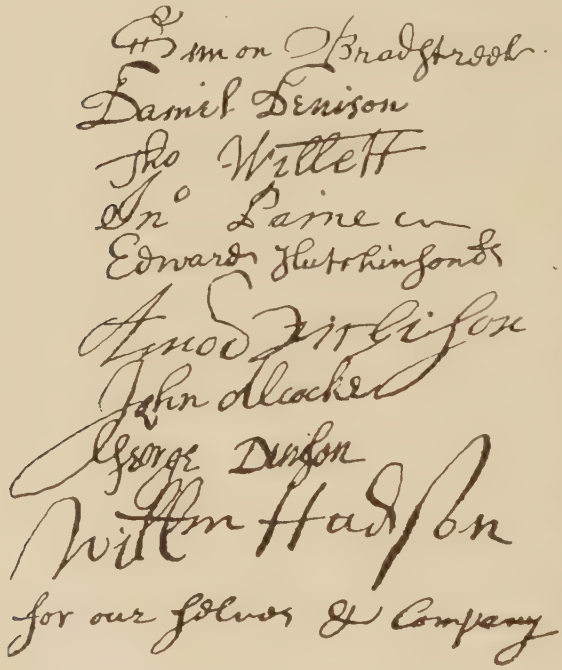
Williams's principle of liberty of conscience was sometimes interpreted in the community to mean freedom from civil restraint, and harmony did not always prevail. This gave cause to his enemies to exult, while his friends feared lest their hope of reconciling liberty and law should fail.

The attempt of Massachusetts to bring the territory of the colony under her jurisdiction was a source of great annoyance. During this contest an appeal to the authorities in England resulted in the triumph of the weaker colony. Then came the "Coddington usurpation," — an unexplained episode in the history of Rhode Island, by which the island towns in 1651 were severed from the government of the colony; and Coddington, by a commission from the Council of State in England, was made governor for life. This revolution seemed for a time successful; but the friends of the colony did not despair. Williams and John Clarke were sent to England as agents, — the one in behalf of the former charter, and the other to ask for a revocation of Coddington's commission. They were both successful; and in the following year the old civil *status* was fully restored.

As civil dissensions ceased, there was danger of another Indian war,

which for the time was arrested by the sagacity of Williams. The refusal of the United Colonies to admit Rhode Island to their confederacy placed her at great disadvantage. Yet though causes of dissension remained, the colony grew in industry and strength. Newport especially increased in population and in wealth. Not every inhabitant, however, was a freeman. The suffrage was restricted to ownership in land, and there was a long process of initiation to be passed through before a candidate could be admitted to full citizenship.

Changes were taking place in England. Cromwell died, and his son Richard soon afterward resigned the Protectorship. The restoration of Charles II. followed by acclamation. The colony hastened to acknowledge the new King; the acts of the Long Parliament were abrogated, and a new charter was applied for through John Clarke, who still remained in England. This instrument, dated Nov. 24, 1663, was evidently drawn up by Clarke, or was prepared under his supervision. It confirmed to the inhabitants freedom of conscience in matters of religion. It recounted the purchase of the land from the natives, but it equally asserted the royal prerogative and the ultimate dominion of the lands in the Crown, — a provision which Williams had strenuously objected to and preached against in the Massachusetts charter. The holding was from the King, as of the manor of East Greenwich. This gave the colony, in English law, an absolute title to the soil as against any foreign State or its subjects. It operated practically as a pre-emptive right to extinguish the Indian title. The charter created a corporation by the name of "The Governor and Company of the English Colony of Rhode Island and Providence Plantations in New England in America."



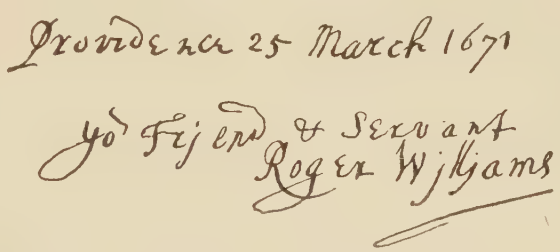
THE MASSACHUSETTS PROPRIETORS OF THE NARRAGANSETT COUNTRY.

This charter gave the whole of the Narragansett country to the colony, which the year before had been given to Connecticut; but it did not bring peace. That colony still clamored for her charter boundary; while a body of land speculators from Massachusetts, known as the Atherton Company, who had, in violation of Rhode Island law, bought lands at Quidnesett

and Namcook, now insisted upon being placed under Connecticut jurisdiction. The King's commissioners, who arrived in the country in 1664, charged with the duty of settling all disputes, came into Rhode Island. They received the submission of the Narragansett chiefs to the King, confirmatory of the same act performed in 1644, and they set apart the Narragansett country, extending from the bay to the Pawcatuck River, and named it King's Province, and established a royal government over it. Some other matters in dispute were happily settled. The royal commissioners were well satisfied with the conduct of Rhode Island.

The colony still grew, but it continued poor. About the year 1663 schools were established in Providence, — a tardy following of Newport, which had employed a teacher in 1640. The colony was kept poor by the great expense incurred in employing agents to defend itself from the surrounding colonies, that wished to crush it. But another trouble arose. A fearful war was impending, the bloodiest which the colony had yet waged with the Indians. We have no space for the story; but Philip's War fell most heavily on Rhode Island, which furnished troops, but was not consulted as to its management. Peace was at length restored, and the Indians subdued; though they were still turbulent.

Connecticut had not yet renounced her claims on the Narragansett country. Rhode Island set up her authority in the province, and appointed officers for its government. Both colonies appealed to the King. Within the colony itself now arose a most bitter controversy respecting the limits and extent of the original Providence and Pawtuxet purchase, which was not finally settled till the next century. It grew out of the careless manner in which Roger Williams worded the deeds to himself from the Indians, and also those which he himself gave to the colony.



The appeal of Connecticut and Rhode Island to the King resulted in a commission, in 1683, headed by the notorious Cranfield, Governor of New Hampshire, and including the no less notorious Edward Randolph. They quarrelled with the authorities of Rhode Island, and decided in favor of Connecticut.

In due time Rhode Island was a common sufferer with the rest of New England, under the imposition of Andros and his commission. He came into Rhode Island, and was kindly received. He broke the colony seal, but the parchment charter was put beyond his reach. The colony surrendered, and petitioned the King to preserve her charter, and then fell back upon a provisional government of the towns. At the revolution she resumed her charter, and later it was decided in England that it had never been revoked and remained in full force.

CRITICAL ESSAY ON THE SOURCES OF INFORMATION.

THE COUNCIL FOR NEW ENGLAND. — Chalmers, *Annals*, 1780, p. 99, says concerning the great patent of Nov. 3, 1620, "This patent which has never been printed because so early surrendered, is in the old entries of New England in the Plant. off." I saw the parchment enrolment of this charter in her Majesty's Public Record Office, in Fetter Lane, London, and described it in full in *Amer. Antiq. Soc. Proc.*, for April, 1867, p. 54. It was first printed by Hazard, *Historical Collections*, vol. i. 1792, pp. 103–118, probably from a manuscript copy in the Superior Court files, N. H.[1]

The petition of the Northern Colony for a new charter, dated March 3, 1619/20, and the warrant to his Majesty's Solicitor-General to prepare such a patent, dated July 23, 1620, may be seen in Brodhead's *Documents*, etc., iii. 2–4. The warrant is also in Gorges' *Briefe Narration*, p. 21.

The opposition of the Virginia Company to the granting of this patent may be seen in their records as published by Neill, *History of the Virginia Company of London*, 1869, *passim;* also in Gorges' *Briefe Narration*, pp. 22–31; in the Council's *Briefe Relation*,[2] pp. 18–22; and in Brodhead's *Documents*, iii. 4. The opposition of the House of Commons to the patent, after it had passed the seals, may be best seen in the printed *Journals of the House* for the sessions of 1621 and 1624. Chalmers' extracts are to the point, but are not full. See also Gorges, and the *Briefe Relation*, as above. For the answer to the French ambassador, see also Sainsbury's *Calendar, Colonial*, p. 61. The history of the transactions of the Council may be largely gathered from their extant records as published in *Amer. Antiq. Soc. Proc.*, for April, 1867, and for October, 1875; from Gorges, and from the *Briefe Relation.* Cf. Palfrey, i. 193.

Probably no complete record exists of all the patents issued by the Council; and of those known to have been granted, the originals, or even copies of all of them, are not known to be extant. As full a list of these as has been collected may be seen in a Lecture read before the Massachusetts Historical Society, Jan. 15, 1869, by Samuel F. Haven, LL.D., entitled *History of Grants under the Great Council for New England*, etc., — a valuable paper with comments and explanations, with which compare Dr. Palfrey's list in his *History of New England*, i. 397–99.[3] Since Dr. Palfrey wrote, new material has come to light respecting some of these grants. The patent of Aug. 10, 1622, which Dr. Belknap supposed was the Laconia patent, and which he erroneously made the basis of the settlements of Thomson and of the Hiltons, and of later operations on the Piscataqua, is found not to be the Laconia patent, which was issued seven years later, namely, Nov. 17, 1629.[4] Later writers have copied him. Again, Dr. Palfrey refers the early division of the territory by the Council, from the Bay of Fundy to Cape Cod, among twenty associates, to May 31, 1622. By the recovery of another fragment of the records of the Council in 1875, we are able to correct all previous errors respecting that division, which really took place on Sunday, July 29, 1623. This fact has appeared since Dr. Haven wrote.[5]

[1] See Belknap, *History of New Hampshire*, i. 5. It was also printed by Dr. Benj. Trumbull, *History of Connecticut*, vol. i. 1818, App., from a copy furnished by Chalmers, under the impression that it had been "never before published in America," and has since appeared in Brigham's *Charter and Laws of New-Plymouth*, pp. 1–18, Baylies' *New Plymouth*, i. 160, and in the *Popham Memorial*, pp. 110–118.

[2] Sabin's *Dictionary*, no. 52,619, — very rare.

[3] [Dr. Haven also contributed to the *Memorial History of Boston*, i. 87, a chapter on the subject of these early patents and grants. He closed a valuable life Sept. 5, 1881. Cf. *Amer. Antiq. Soc. Proc.*, October, 1881, and *Mass. Hist. Soc. Proc.*, xix. 4, 63. — ED.]

[4] See *Amer. Antiq. Soc. Proc.*, for October, 1868, pp. 34, 35; *Mass. Hist. Soc. Proc.*, May 1876, p. 364.

[5] See *Amer. Antiq. Soc. Proc.* for October, 1875, pp. 49–63. Most of the grants of the Council are extant, either in the original parch-

An object of interest would be the map of the country on which the different patents granted were marked off. Some idea from it might be formed of the geographical mistakes by which one grant overlapped another, or swallowed it up entirely. I know of no published map existing at that time that would have served the purpose. The names of the places on the coast from Penobscot to Cape Cod, mentioned by Captain Smith in his tract issued in 1616, were rarely indicated on his map which accompanied the tract. They had been laid down on the manuscript draft of the map, but were changed for English names by Prince Charles.[1] Quite likely the Council had manuscript maps of the coast. Of the division of 1623, the records say it was resolved that the land "be divided according as the division is made in the plot remaining with Dr. Goche." Smith, speaking of this division, says that the country was at last "engrossed by twenty patentees, that divided my map into twenty parts, and cast lots for their shares," etc. Smith's map was probably the best published map of the coast which existed at that time; but the map on which the names were subsequently engrossed and published was Alexander's map of New England, New France, and New Scotland, published in 1624, in his *Encouragement to Colonies*, and also issued in the following year in Purchas, vol. iv. p. 1872. This record, as the fac-simile shows,[2] is a mere huddling together of names, with no indication as to a division of the country, as it was not possible there should be on such a map as this, where the whole New England coast, as laid down, is limited to three inches in extent, with few natural features delineated upon it.

The greatest trouble existed among the smaller patents. A large patent, like that to Gorges, for instance, at the grand division, with well-defined natural boundaries on the coast, between the Piscataqua and the Sagadahoc, or the Penobscot, would not be likely to be contested for lack of description; but there had been many smaller patents issued within these limits, which ran into and overlapped each other, and some were so completely annihilated as to cause great confusion.

Some of these smaller patents had alleged powers of government granted to the settlers, — powers probably rarely exercised by virtue of such a grant, and which the Council undoubtedly had no authority to confer.[3] The people of Plymouth, for instance, in their patent of 1630, were authorized, in the language of the grant, to incorporate themselves by some usual or fit name and title, with liberty to make laws and ordinances for their government. They never had a royal charter of incorporation during their separate existence, though they strove hard to obtain one. The Council for New England might from the first have taken the Pilgrims under their own government and protection; and Governor Bradford, in letters to the Council and to Sir Ferdinando Gorges, written in 1627 and 1628, acknowledges that relation, and asks for their aid.[4]

The records of the Council, so far as they are extant, contain no notice of the adoption of a common seal, and we are ignorant as to the time of its adoption. In the earliest patent known to have been issued by the Council, which was an indenture between them and John Peirce and his associates, dated June 1, 1621, the language is, "In witness whereof the said President and Council have to the one part of this present Indenture set their seals." This is signed first by the Duke of Lenox, who I think was the first President

ments or in copies; and many of them have been printed. Some enterprising scholar will probably one day bring them all together in one volume, with proper annotations. It would be a convenient manual of reference.

[1] The rare list of these names in duplicate inserted in some copies of Smith's tract may be seen in his *Generall Historie*, p. 206. [The map itself, with some account of it and of Smith, may be found in chapter vi. of the present volume. — Ed.]

[2] [See a previous page. — Ed.]

[3] See Hutchinson's *History of Massachusetts*, i. 9; Belknap's *New Hampshire*, App. xv.

[4] Bradford, *Plymouth Plantation*, pp. 89, 90; Brigham, *Charter and Laws of New-Plymouth*, pp. 36, 49, 50, 241; 1 *Mass. Hist. Soc. Coll.*, iii. 56–64. For the discussion of questions of European and Aboriginal right to the soil, see Sullivan, *History of Land Titles in Mass.*, Boston, 1801, and John Buckley's "Inquiry, etc.," 1 *Mass. Hist. Soc. Coll.*, iv. 159.

of the Council, and by five other members of the Council, with the private seal of each appended to his signature. But in a grant to Gorges and Mason, of Aug. 10, 1622, which is also an indenture, the language is, that to one part "the said President and Council have caused their *common seal* to be affixed." Here we have a "common seal" used by the Council in issuing their subsequent grants. But it is very singular, that of the many original grants of the Council extant no one of them has the wax impression of the seal intact or unbroken; usually it is wholly wanting. It is believed, however, that the design of the seal has been discovered in the engraving on the titlepage of Smith's *Generall Historie;* and the reasons for this opinion may be seen in *Mass. Hist. Soc. Proc.*, March, 1867, pp. 469–472.[1] A delineation of it is given herewith.

SEAL OF THE COUNCIL FOR NEW ENGLAND.

In the absence of any record of the organization of the Council, or of any rules or by-laws for the transaction of its business, we do not know what officers, or what number of the Council, were required for the issuing of patents, or for authorizing the use of the Company's seal. The only name signed to the Plymouth Patent of Jan. 13, 1629/30 is that of the Earl of Warwick, who was then the President of the Council.

MASSACHUSETTS.[2]—The Massachusetts Colony had its origin in a grant of land from the Council of New England, dated March 19, 1627, in old style reckoning.[3] So far as is known, it is the first grant of any moment made after the general division in 1623, but probably it was preceded by the license to the Plymouth people of privileges on the Kennebec. This patent to the Massachusetts Colony is not extant, but it is recited in the subsequent charter. There is some mystery attending the manner of its procurement, as well as about its extent. The business was managed, in the absence of Sir Ferdinando Gorges, by the Earl of Warwick, who was friendly to the patentees.[4] The royal charter of Massachusetts was dated March 4, 1628 (O.S.). For the forms used in issuing it, see *Mass. Hist. Soc. Proc.*, December, 1869, pp. 167–196. A discussion of the charter itself as a frame of government for a commonwealth is found in Hutchinson's *History of Massachusetts*, i. 414, 415; Judge Parker's Lecture before the Massachusetts Historical Society,

[1] But cf. *Magazine of American History*, 1883, p. 141; and Davis's *Ancient Landmarks of Plymouth*, p. 61. I should add here that it has been recently suggested to me as a possible alternative, that this seal is that of the Council for the Northern Colony of Virginia.

[2] The name "Massachusetts," so far as I have observed, is first mentioned by Captain Smith, in his *Description of New England*, 1616. He spells the word variously, but he appears to use the term "Massachuset" and "Massachewset" to denote the country, while he adds a final *s* when he is speaking of the inhabitants. He speaks of "Massachusets Mount" and "Massachusets River," using the word also in its possessive form; while in another place he calls the former "the high mountain of Massachusit." To this mountain, on his map, he gives the English name of "Chevyot Hills." Hutchinson (i. 460) supposes the Blue Hills of Milton to be intended. He says that a small hill near Squantum, the former seat of a great Indian sachem, was called Massachusetts Hill, or Mount Massachusetts, down to his time. Cotton, in his Indian vocabulary, says the word means "a hill in the form of an arrow's head." See also Neal's *New England*, ii. 215, 216. In the Massachusetts charter the name is spelled in three or four different ways, to make sure of a description of the territory. Cf. Letter of J. H. Trumbull, in *Amer. Antiq. Soc. Proc.*, Oct. 21, 1867, p. 77; and *Memorial History of Boston*, i. 37.

[3] See S. F. Haven's "Origin of the Massachusetts Company," in *Archæologia Americana*, vol. iii.

[4] This matter is discussed by Dr. Haven in the Lecture above cited, pp. 29, 30; and by the present writer in *Memorial History of Boston*, i. 341–343, *note*. See also Gorges, *Briefe Narration*, pp. 40, 41.

Feb. 9, 1869, entitled *The First Charter*, etc.; and *Memorial History of Boston*, i. 329–382, and the authorities there cited. As to the right of the Company to transfer the government and charter to the soil, see Judge Parker, as above; Dr. Palfrey, *New England*, i. 301–308; Barry, *History of Massachusetts*, i. 174–186, and the authorities cited by them. The original charter, on parchment, is in the State House in Boston. A heliotype of a section of it is given in the *Memorial History of Boston*, i. 329.[1] The duplicate or exemplification of the charter, which was originally sent over to Endicott in 1629, is now in the Library of the Salem Athenæum. The charter was first printed, and from the "*dupl.*" parchment, "by S. Green, for Benj. Harris, at the London Coffee-House, near the Town-House, in Boston, 1689." It is entitled *A Copy of the Massachusetts Charter*.[2]

The archives of the State are rich in the materials of its history. The records of the government from its first institution in England down to the overthrow of the charter are almost a history in themselves. The student is no longer required to decipher the ancient writing, for in 1853–54 the Records were copied and printed under the editorial care of Dr. N. B. Shurtleff.[3] A large mass of manuscripts remains at the State House, and is known as the *Massachusetts Archives*. The papers were classified by the late Joseph B. Felt.[4] They are the constant resource of antiquaries and historians, few of whom, however, but regret the too arbitrary arrangement given to them by that painstaking scholar.[5] The City of Boston, by its Record Commission, is making accessible in print most valuable material which has long slumbered in manuscript. The Archives of the Massachusetts Historical Society are specially rich in early manuscripts, a catalogue of which is now preparing, and its publishing committees are constantly at work converting their manuscripts into print, while the sixty-seven volumes of its publications, as materials of history, are without a rival.[6]

[1] It is printed in Hutchinson's *Collection of Papers*, 1769; and also in vol. i. of the *Colony Records*.

[2] See 4 *Mass. Hist. Coll.*, vii. 159–161.

[3] [In six volumes, royal quarto; cf. *Massachusetts Historical Society Lectures*, p. 230; *N. E. Hist. and Geneal. Reg.*, 1848, p. 105; and 1854, p. 369. They were published at $60, but they can be occasionally picked up now at $25. — Ed.]

[4] [See Memoir and portrait in *N. E. Hist. and Geneal. Reg.*, 1870, p. 1; cf. *Mass. Hist. Soc. Proc.*, xiv. 113; and *Historical Magazine*, xvii. 107. — Ed.]

[5] [Dr. Palfrey (vol. iii. p. vii) has pointedly condemned it, and the arrangement will be found set forth in the *N. E. Hist. and Geneal. Reg.*, 1848, p. 105. Besides much manuscript material (not yet put into print) at the State House, and in the Cabinet of the Historical Society, and the usual local depositories, mention may be made of some papers relating to New England recorded in the *Sparks Catalogue*, p. 215; and the numerous documents in the Egerton and other manuscripts, in the British Museum, as brought out in its printed *Catalogues of Manuscripts*, and Colonel Chester's list of manuscripts in the Bodleian, in *Historical Magazine*, xiv. 131. Mr. S. L. M. Barlow, of New York, has an ancient copy of the Records of the Massachusetts Company (*Mass. Hist. Soc. Proc.*, iii. 36).

Brodhead's prefaces to the published records of New York indicated the sources of early manuscript material in the different Government offices of England, equally applicable to Massachusetts; but these records have now been gathered into the public Record Office, some account of which will be found in Mr. B. F. Stevens's "Memorial," *Senate, Miscellaneous Documents* no. 24, 47th Congress, 2d session, and in the *London Quarterly*, April, 1871. It requires formality and permission to examine these papers, only as they are later than 1760. The calendaring and printing of them, begun in 1855, is now going on; and Mr. Hale has described (in the *Christian Examiner*, May, 1861) the work as planned and superintended by Mr. Sainsbury. Three of these volumes already issued—*Calendar of State Papers, Colonial America*, vol. i., 1574–1660; vol. v., 1661–1668; vol. vii., 1669 — are of much use to American students. Mr. F. S. Thomas, Secretary of the public Record Office, issued in 1849 a *History of the State Paper Office and View of the Documents therein Deposited*. Mr. C. W. Baird described these depositories in London in the *Magazine of American History*, ii. 321. — Ed.]

[6] [A list of the publications of this Society, brought down, however, no later than 1868, will be found in the *Historical Magazine*, xiv. 99; and in 1871 Dr. S. A. Green issued a bibliography of the Society, which was also printed in its *Proceedings*, xii. 2. The first seven volumes of its first series of *Collections* were early reprinted. Each series of ten volumes has its own index. The Society's history is best gathered from its own *Proceedings*, the publication of which was begun in 1855; but two volumes have also been

The first general *History of Massachusetts Bay* was written by Thomas Hutchinson, afterward governor of the province, in two volumes, the first of which, covering the period ending with the downfall of Andros, was published in Boston in 1764. The second volume, bringing the history down to 1749, was published in 1767. Each volume was issued in London in the year following its publication here. The author had rich materials for his work, and was judicious in the use of them. He had a genius for history, and his book will always stand as of the highest authority. A volume of *Original Papers*, which illustrate the first volume of the history, was published in 1769.[1] Hutchinson died in England in 1780. Among his manuscripts was found a continuation of his history, vol. iii., bringing the events down to 1774, in which year he left the country. This was printed in London in 1828.[2] Some copies of vol. i., London ed., were wrongly dated MDCCLX.

In 1798 was published, in two volumes, a continuation of Hutchinson's second volume, by George Richards Minot,[3] bringing the history down to 1764. The work was left unfinished, and Alden Bradford, in 1822–1829, published, in three volumes, a continuation of that to the year 1820.

The next most considerable attempt at a general *History of Massachusetts* was by John Stetson Barry, who published three volumes in 1855–1857. It is a valuable work, written from the best authorities, and comes down to 1820.

Palfrey's *History of New England*, the first three volumes of which were published in 1858–1864, and cover the period ending with the downfall of Andros, must be regarded altogether as the best history of this section of our country yet written, as well for its luminous text as for the authorities in its notes.[4]

printed, covering the earlier years 1791–1854. The first of these dates marks the founding of this the oldest historical society in this country. Its founder, if one person can be so called, was Dr. Jeremy Belknap, who was one of the earliest who gave the writing of history in America a reputable character. His *Life* has been written by his granddaughter, Mrs. Jules Marcou, and the book is reviewed by Francis Parkman in the *Christian Examiner*, xliv. 78; cf. *Mass. Hist. Soc. Proc.*, i. 117; iii. 285; ix. 12; xiv. 37. His historical papers are described by C. C. Smith in the *Unitarian Review*, vii. 604. The two principal societies working parallel with it in part, though professedly of wider scope, are the American Antiquarian Society, at Worcester (not to be confounded with the Worcester Society of Antiquity, — a local antiquarian association), and the New England Historic, Genealogical Society, in Boston. The former has issued the *Archæologia Americana* and *Proceedings* (cf. *Historical Magazine*, xiv. 107); while the latter has been the main support of the *New England Historical and Genealogical Register*, which has published an annual volume since 1847, and these have contained various data for the history of the Society. Cf. 1855, p. 10; 1859, p. 266; 1861, preface; 1862, p. 203; 1863, preface; 1870, p. 225; 1876, p. 184, and reprinted as revised; 1879, preface, and p. 424, by E. B. Dearborn. To these associations may be added the Essex Institute, of Salem, the Connecticut Valley Historical Society (begun in 1876), the Dorchester Antiquarian Society, the Old Colony Historical Society (cf. the chapter on the Pilgrims), — all of which unite historical fellowship with publication, — and the Prince Society, an organization for publishing only, whose series of annotated volumes relating to early Massachusetts history is a valuable one. — Ed.]

[1] It is a volume of great value, and brings from $10 to $15 at sales. It is sometimes found lettered on the back as vol. iii. of the *History*. A third edition of the *History* was published in Boston in 1795, with poor type and poor paper. [A reprint of the *Papers* was made by the Prince Society in 1865. For other papers of Hutchinson, see 2 *Mass. Hist. Coll.*, x., and 3 Ibid., i.; cf. *N. E. Hist. and Geneal. Reg.*, 1865, p. 187. A controversy for many years existed between the Historical Society and the State as to the custody of a large mass of Hutchinson's papers. This can be followed in the Society's *Proceedings*, ii. 438; x. 118, 321; xi. 335; xii. 249; xiii. 130, 217; and in *Massachusetts Senate Documents*, no. 187, of 1870. These papers, mostly printed, are now at the State House. — Ed.]

[2] See *Mass. Hist. Soc. Proc.*, i. 286, 397, 414; and xi. 148; also a full account of Hutchinson's publications in Ibid., February, 1857; cf. Sabin, *Dictionary*, xi. 22. A correspondence between Hutchinson and Dr. Stiles, upon his history, is printed in *N. E. Hist. and Geneal. Reg.*, 1872, pp. 159, 230.

[3] Cf. a Memoir of Minot, in *Mass. Hist. Coll.*, vol. viii.

[4] A fourth volume, carrying the record to 1741, was published in 1875; and since Dr. Palfrey's death a fifth volume has been announced for publication under the editing of his son.

The Revd Dr. Cotton Mather. p. Sarah Moorhead

I will now go back and mention a few other general histories of New England, including those works in which the history of Massachusetts is a prominent feature.

Cotton Mather's *Ecclesiastical History of New England*, better known as his *Magnalia*, from the head-line of the titlepage, *Magnalia Christi Americana*, was published in London in 1702, in folio. Although relating generally to New England, it principally concerns Massachusetts. While the book is filled with the author's conceits and puns, and gives abundant evidence of his credulity, it contains a vast amount of valuable historical material, and is indispensable in any New England library. It is badly arranged for consultation, for it is largely a compilation from the author's previous publications, and it lacks an index. It has been twice reprinted, — in 1820 and 1853.[1]

John Oldmixon, Collector of Customs at Bridgewater, England, compiled and published at London, in 1708, his *British Empire in America*, in two volumes. About one hundred pages of the first volume relate to New England, and while admitting that he drew on Cotton Mather's *Magnalia* for most of his material, omitting the puns, anagrams, etc., the author nevertheless vents his spleen on this book of the Boston divine. Mather was deeply hurt by this indignity, and he devoted the principal part of the Introduction to his *Parentator*, 1724, to this ill-natured writer. He says he found in eighty-six pages of Oldmixon's book eighty-seven falsehoods. A second edition of *The British Empire in America* was published in 1741, with considerable additions and alterations. In the mean time the Rev. Daniel Neal had published in London his *History of New England*, which led Oldmixon to rewrite, for this new edition, his chapters relating to New England. Oldmixon's work is of little value. He was careless and unscrupulous.[2]

Mr. Neal's *History of New England*, already mentioned, first appeared in 1720, in two volumes, but was republished with additions in 1747.[3] It contains a map "according to the latest observations," or, as he elsewhere observes, "done from the latest surveys," in one corner of which is an interesting miniature map of "The Harbour of Boston." This book must have supplied a great want at the time of its appearance, and though Hutchinson says it is little more than an abridgment of Dr. Mather's history, — which is not quite true, as see his authorities in the Preface, — it gave in an accessible form many of the principal facts concerning the beginning of New England. It of course relates principally to Plymouth and Massachusetts. Neal was an independent thinker, and differed essentially from Cotton Mather on many subjects.

[1] Good copies of the original folio edition, with the map, bring high prices. One of Brinley's copies, said to be on large paper (though the present writer has a copy by his side much larger), brought $110. The Menzies copy (no. 1,353) sold for $125. See "The Light shed upon Mather's Magnalia by his Diary" in *Mass. Hist. Soc. Proc.*, December, 1862, pp. 402–414; Moses Coit Tyler, *History of American Literature*, ii. 80–83. Of the map, Dr. Douglass says (i. 362): "Dr. Cotton Mather's map of New England, New York, Jerseys, and Pennsylvania is composed from some old rough drafts of the first discoveries, with obsolete names not known at this time, and has scarce any resemblance of the country. It may be called a very erroneous, antiquated map." [See Editor's note following this chapter. For some notes on the Mather Library, see *Memorial History of Boston*, vol. i. p. xviii. The annexed portrait of Mather resembles the mezzotint, of which a reduced fac-simile is given in the *Memorial History of Boston*, i. 208, and which is marked COTTONUS MATHERUS, *Ætatis suæ LXV*, MDCCXXVII. *P. Pelham ad vivum pinxit ab origine fecit et excud.* Its facial lines, however, are stronger and more characteristic. It may be the reduction made by Sarah Moorhead from the painting, thus mentioned by Pelham, for the purpose of the engraving. It is to be observed, however, that the surroundings of the portrait are different in the engraving. This same outline, but reversed, characterizes a portrait of Mather, which belongs to the American Antiquarian Society at Worcester, and which is said to be by Pelham. Paine's *Portraits, etc., in Worcester*, no. 5; W. H. Whitmore's *Peter Pelham*, 1867, p. 6, where the Pelham engraving is called the earliest yet found to be ascribed to that artist. — ED.]

[2] See what Beverly says of him in the Preface to his *History of Virginia*, 1722. The numerous maps in his book were made by Herman Moll, a well-known cartographer of that day. Oldmixon's name appears only to the dedication prefixed to the first edition.

[3] *Carter-Brown Catalogue*, iii. nos. 281, 855; and 510, for the Bishop of Winchester's examination of Neal's *History of the Puritans*.

The Rev. Thomas Prince published in Boston in 1736 *A Chronological History of New England in the Form of Annals*, in one volume, 12mo, of about four hundred pages. The author begins with the creation of the world, and devotes the last two hundred and fifty pages to New England, coming down only to September, 1630, or to the settlement of Boston. After an interval of about twenty years the work was resumed, and three numbers, of thirty-two pages each, of vol. ii. were issued in 1755, bringing the chronology down to August, 1633, when for want of sufficient encouragement the work ceased. Prince was very particular in giving his authorities for every statement, and he professed to quote the very language of his author.[1]

In 1749 was published the first volume of a *Summary, Historical and Political, . . . of the British Settlements in North America*, by William Douglass, M.D. The book had been issued in numbers, beginning in January, 1747. The titlepage of the second volume bears date 1751. The author died suddenly Oct. 21, 1752, before his work was finished. A large part of the book relates to New England. It contains a good deal of valuable information from original sources, but it is put together without system or order, and the whole work appears more like a mass of notes hastily written than like a history. Dr. Douglass was a Scotchman by birth, and coming to Boston while a young man, he attained a reputable standing as a physician. In the small-pox episode in 1721 he took an active part as an opposer of inoculation. He was fond of controversy, was thoroughly honest and fearless, and gave offence in his *Summary* by his freedom of speech. The *Summary* was republished in London in 1755 and in 1760, each edition with a large map.[2] The Boston edition was reissued with a new title, dated 1753.

For the origin of the brief setttlement at Cape Ann, which drew after it the planting at Salem and the final organization of the Massachusetts Company, and for the narrative of those several events,— namely, the formation in London of the subordinate government for the colony, "London's Plantation in Massachusetts Bay," with Endicott as its first governor, and his instructions; the emigration under Higginson in 1629; the establishment of the church in Salem, and the difficulty with the Browns; and the emigration under Winthrop in 1630, —see John White's *Planter's Plea*,[3] Hubbard's *New England*, chap. xviii.; the *Colony Records*; Morton's *Memorial*, under the year 1629; Higginson's *Journal*, and his *New England Plantation*;[4] Dudley's *Letter to the Countess of Lincoln*;[5] and Winthrop's own Journal. For the principal part of these documents and

[1] [These supplementary parts have been reprinted in 2 *Mass. Hist. Coll.*, vii. It was republished in Boston in 1826, edited by Nathan Hale. Mr. S. G. Drake, having some sheets of this edition on hand, reissued it in 1852, with a new titlepage, and with a memoir of Prince and some plates, etc., inserted. It has been again reprinted in Edward Arber's *English Garner*, 1877–80, vol. ii. Prince's own copy, with his manuscript notes, is noted in the *Brinley Catalogue*, no. 350. Mr. Deane has several sheets of the original manuscript of this work. — Ed.]

[2] A memoir of Dr. Douglass, by T. L. Jennison, M.D., was published in *Medical Communications of the Massachusetts Medical Society*, vol. v. part ii., Boston, 1831. Cf. *Memorial History of Boston*, Index; Sabin, v. 502; *Carter-Brown Catalogue*, iii. 899.

[3] [This is reprinted in full in Force's *Tracts*, ii. It was printed in 1630, and original copies are in Mr. Deane's and in the Lenox libraries; cf. also *Brinley Catalogue*, nos. 373, 2,704; *Crowninshield Catalogue*, no. 744; *Carter-Brown Catalogue*, vol. ii. no. 371. — Ed.]

[4] [The Journal of Higginson, which is a relation of his voyage, 1629, is in Hutchinson's *Collection of Papers*, and an imperfect manuscript which that historian used is in the Cabinet of the Historical Society. His *New England's Plantation* is reprinted in Young's *Chronicles*; in *Amer. Antiq. Soc. Coll.*, iii. 79; in Force's *Tracts*, vol. ii.; and in *Mass. Hist. Coll.*, vol. i. The narrative covers the interval from July to September, 1629, and three editions were issued in 1630; the Lenox Library has the three, and Harvard College Library has two, — one imperfect. Rich, *Catalogue* (1832), nos. 186, 191; *Brinley Catalogue*, no. 312; *Carter-Brown Catalogue*, vol. ii. nos. 362, 363; *Menzies Catalogue*, no. 927 ($66.) — Ed.]

[5] [This, besides being in Young's *Chronicles*, can be found in Force's *Tracts*, vol. ii., with notes by John Farmer; and in the *N. H. Hist. Coll.*, vol. iv., following a manuscript more ex-

others of great value the reader is referred to Dr. Alexander Young's *Chronicles of the First Planters of the Colony of Massachusetts Bay*, — a convenient manual for reference, of the highest authority, containing ample bibliographical notes and illustrations, which need not be repeated here. This book, which was published in 1846, was unfortunately thrown into chapters as of one narrative, as had been that relating to the Plymouth Colony, published in 1841, whereby the original authorities, which should be the prominent feature of the book, are subordinated to an editorial plan.

For the original authorities of the history of the scattered settlements in Massachusetts Bay, prior to the Winthrop emigration, I cannot do better than refer to a paper on the "Old Planters," so called, about Boston Harbor, by Charles Francis Adams, Jr., in *Mass. Hist. Soc. Proc.*, June, 1878, p. 194; and to Mr. Adams's chapter in *Memorial History of Boston*, i. 63.

SHIP OF XVIITH CENTURY.[1]

In Captain John Smith's *Advertisements for the unexperienced Planters of New England, or anywhere*, London, 1631, he has two chapters (xi. and xii.) on the settlement of Salem and Charlton (Charlestown), and an account of the sad condition of the colony for months after the Winthrop emigration. This is Smith's last book, and his best in a literary point of view, and was published the year of his death.[2]

The *New England's Prospect*, by William Wood, London, 1634, is the earliest topographical account of the Massachusetts Colony, so far as the settlements then extended. It also has a full description of its fauna and flora, and of the natives. It is a valuable book, and is written in vigorous and idiomatic English. The writer lived here four years, returning to England Aug. 15, 1633. His book is entered in the Stationers' Register, "7 Julii, 1634." Alonzo Lewis, author of the *History of Lynn*, thinks that he came over again to the colony in 1635, as a person of that name arrived that year in the "Hopewell."[3]

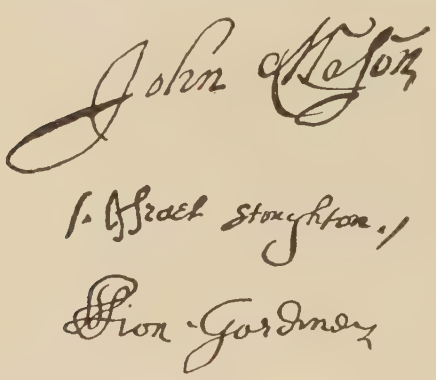
tended than the text given on its first appearance in print in *Massachusetts, or the First Planters*, 1696, copies of which are noted in the Prince (p. 37) and Carter-Brown (vol. ii. no. 1,494) catalogues. — Ed.]

[1] [This fac-simile is from a map in Dudley's *Arcano del Mare*, 1647. — Ed.]

[2] [This tract was reprinted in Boston in 1865, and also in 3 *Mass. Hist. Coll.*, iii. There are copies of the original in Mr. Deane's, Harvard College, and the Carter-Brown (*Catalogue*, ii. 379) libraries. Cf. the editorial note at the end of chap. vi., and *Memorial History of Boston*, i. p. 50. — Ed.]

[3] The volume was reissued in 1635, 1639, and 1764. The Prince Society reprinted the volume in 1865, with a prefatory address by the present writer. [Copies of the original edition are noted in the *Carter-Brown Catalogue*, ii. no 421 (later editions, nos. 433, 469); and *Brinley Catalogue*, no. 377. Cf. also Rich, *Catalogue* (1832), no. 296, and (1844) priced at £1 8*s*. Mr. Deane's copy of the *first* edition has ninety-eight pages, besides the Indian words. The Rice copy

The *New English Canaan*, by Thomas Morton, Amsterdam, 1637, "written upon ten years' knowledge and experiment of the country," is a sort of satire upon the Plymouth and Massachusetts people, who looked upon the author as a reprobate and an outlaw. He came over, probably, with Weston's company in 1622, and on the breaking up of that settlement may have gone back to England. In 1625 he is found here again with Captain Wollaston's company on a plantation at "Mount Wollaston," where he had his revels. He was twice banished the country, and before his final return hither wrote this book. His description of the natural features of the country, and his account of the native inhabitants are of considerable interest and value, and the side-light which he throws upon the Pilgrim and Puritan colonies will serve at least to amuse the reader.[1] Morton's book, though printed in Holland "in the yeare 1637," was entered in the Stationers' Register in London, "Nov. 18, 1633," in the name of Charles Greene as publisher; and a copy of the book is now (1882) in the library of the Society for the Propagation of the Gospel in Foreign Parts, 19 Delahay Street, Westminster, London, bearing this imprint: "Printed for Charles Greene, and are sold in Paul's Church-Yard;" no date, but "1632" written in with a pen. See White Kennett's *Bibliothecæ Americanæ Primordia*, p. 77, where this copy is entered, and where the manuscript date is printed in the margin. This date is, of course, an error.[2] Morton's book was not written till after the publication of Wood's *New England's Prospect*, to which reference is frequently made in the *New English Canaan*. The *New England's Prospect* was entered at the Stationers', "7 Julii, 1634," and was published the same year. Morton's book is dedicated to the Commissioners for Foreign Plantations, — a body not created till April 28, 1634. The book must have been entered at the Stationers' some time in anticipation of its printing; and when printed, some copies were struck off bearing the imprint of Charles Greene, though only one copy is now known with his name on the titlepage.



AUTOGRAPHS OF LEADERS IN THE WAR.

The first serious trouble with the Indians, which had been brewing for some years, culminated in 1637, when the Pequots were overthrown. This produced a number of narrations, two of which were published at the time, and in London, — one by Philip Vincent,[3] in 1637, and one by Captain John Underhill, in 1638.[4] The former is not known to have been in New England at the time, but the

brought $200. Cf. *Menzies Catalogue*, no. 2,187. The second and third editions had each eighty-three pages, besides an appendix of Indian words. The 1764 edition has an anonymous introduction, perhaps by Nathaniel Rogers (*Mass. Hist. Soc. Proc.*, November, 1862) or James Otis (Ibid., September, 1862). Mr. Deane reprints this preface. — ED.]

[1] Mr. Charles Francis Adams, Jr., recently prepared a new edition of Morton's book for publication by the Prince Society. It is accompanied by a memoir of Morton.

[2] [There has been a strange amount of misdating in respect to this book. The *Mondidier Catalogue* (Henry Stevens) gives it, "Printed by W. S. Stansby for Rob. Blount, 1625." (Sabin, *Dictionary*, xii. 51,028.) The *Sunderland Catalogue*, iv. no. 8,684, gives it 1627, — a date followed by Quaritch in a later catalogue. Cf. Rich, *Catalogue* (1832), no. 218; (1844), priced at £1 8*s.*; Menzies, no. 1,440, $160; *Carter-Brown Catalogue*, ii. 443; *Memorial History of Boston*, i. 80. It is included in Force's *Tracts*, ii. — ED.]

[3] His tract of twenty-three pages is entitled *A True Relation of the Late Battell fought in New England between the English and the Salvages*, etc., London, 1637. [There was a reissue in 1638 of the first edition, and a second edition the same year, which last is in Harvard College and the Prince libraries. There is an account of Vincent by Hunter in 4 *Coll.*, i. Cf. Rich (1832), *Catalogue*, no. 221; *Crowninshield Catalogue*, no. 766; *Carter-Brown Catalogue*, ii. 448, 461, 462; Field, *Indian Bibliography*, no. 1,606. — ED.]

[4] His tract was entitled, *Newes from America*, etc., London, 1638. [There is a copy in Har-

minute particulars of his narrative would lead one to suppose that he had been in close communication with some persons who had been in the conflict. He could hardly have been present himself. Captain John Underhill, the writer of the second tract, was commander of the Massachusetts forces at the storming of the fort, so that he narrates much of what he saw. He prefaces his account with a description of the country, and of the origin of the troubles with the Pequots. Both these narratives are reprinted in 3 *Mass. Hist. Coll.* vi.

I may add here that there were other narratives of the Pequot War written by actors in it. A narrative by Major John Mason, the commander of the Connecticut forces, was left by him on his death, in manuscript, and was communicated by his grandson to the Rev. Thomas Prince, who published it in 1736. It is the best account of the affair written. Some two or three years after the death of Mason, Mr. Allyn, the Secretary of the colony of Connecticut, sent a narrative of the Pequot War to Increase Mather, who published it in his *Relation of the Troubles*, etc., 1677, as of Allyn's composition. Having no preface or titlepage, Mather did not know that it was written by Major Mason, as was afterward fully explained by Prince, who had the entire manuscript from Mason's grandson.[1]

Lyon Gardiner, commander of the Saybrook fort during the Pequot War, also wrote an account of the action, prefacing it with a narrative of recollections of earlier events. It was written in his old age. It was first printed in 3 *Mass. Hist. Coll.*, iii. 136–160.[2]

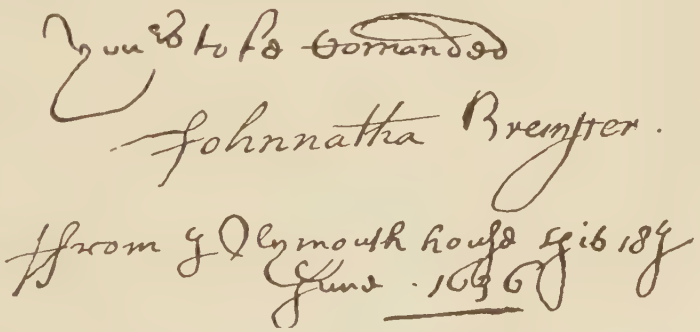
For the history of the Antinomian controversy which broke out about this time and convulsed the whole of New England, see the examination of Mrs. Hutchinson in Hutchinson's *Massachusetts Bay*, ii. 482; Welde's *Short Story*, etc., London, 1644; Chandler's *Criminal Trials*, Boston, 1841, vol. i.[3]

A small quarto volume published in London in 1641, entitled *An Abstract of the Lawes of New England as they are now Established*, was one of the results of an attempt to form a body of standing laws for the colony. I may premise, that, at the first meeting of the Court of Assistants at Charlestown, certain rules of proceeding in civil actions were established, and powers for punishing offenders instituted. In the former case equity according to circumstances was the rule; and in punishing offences they professed to be governed by the judicial laws of Moses where such laws were of a moral nature.[4] But such proceedings were arbitrary and uncertain, and the body of the people were clamorous for a code of standing laws. John Cotton had been requested to assist in framing such a

vard College Library and in Charles Deane's. Cf. also, Rich (1832), no. 220, and *Carter-Brown Catalogue*, ii. 460, with fac-simile of title. — Ed.]

[1] [It was again reprinted in a volume on the *Mohegan Case* in 1769 (cf. *Brinley Catalogue*, no. 2,085; Menzies, 1,338, 840); and afterward, following Prince's edition, in 2 *Mass. Hist. Coll.*, viii. 120; and in New York by Sabin, in 1869. Field's *Indian Bibliography*, no. 1,021. Cf. references on Mason in *Memorial History of Boston*, i. 253. — Ed.]

[2] [It is also reprinted in some copies of Dodge's edition of Penhallow's *Indian Wars* Cincinnati, 1859. Cf. Sabin, *Dictionary*, vii. 165; and accounts of Gardiner in Thompson's *Long Island*, i. 305, and 3 *Mass. Hist. Coll.*, x. 173.

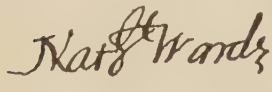


Further references on the Pequot War will be found in *Memorial History of Boston*, i. 255; and in the *Mass. Hist. Soc. Proc.*, May, 1860, will be found a letter from Jonathan Brewster describing its outbreak. — Ed.]

[3] [More extensive references will be found in *Memorial History of Boston*, i. 176, and *Harvard College Library Bulletin*, no. 11, p. 287. — Ed.]

[4] See Hutchinson, i. 435.

code, and in October, 1636, he handed in to the General Court a copy of a body of laws that he had compiled "in an exact method," called "Moses his Judicials," which the Court took into consideration till the next meeting. The subject occupied attention from year to year, till in December, 1641, the General Court established a body of one hundred laws, called the Body of Liberties, which had been composed by the Rev. Nathaniel Ward,[1] of Ipswich. No copy of these laws was known to have been preserved on the records of the colony; and of the earliest printed digest of the laws, in 1648, which no doubt substantially conformed to the Body of Liberties, no copy is extant.



The *Abstract* above recited, published in 1641, was therefore for many years regarded as the Body of Liberties, or an abstract of them, passed in that year. About forty years ago Francis C. Gray, Esq., noticed in the library of the Boston Athenæum a manuscript code of laws entitled "A Copy of the Liberties of the Massachusetts Colonie in New England," which he caused to be printed in 3 *Mass. Hist. Coll.*, viii. 216–237, with a learned introduction, in which he showed conclusively that this body of laws was the code of 1641, and that the *Abstract* printed that year in London was John Cotton's code, *Moses his Judicials*, which the General Court never adopted. A copy having found its way to England, it was sent to the press under a misapprehension, and an erroneous titlepage prefixed to it. Indeed, that John Cotton was the author of the code published in London in 1641 had been evident from an early period, by means of a second and enlarged edition published in London by William Aspinwall in 1655, from a manuscript copy left by the author. Aspinwall, then in England, in a long address to the reader, says that Cotton collected out of the Scriptures, and digested this *Abstract*, and commended it to the Court of Massachusetts, "which had they then had the heart to have received, it might have been better both with them there and us here than now it is." The *Abstract* of 1641, with Aspinwall's preface to the edition of 1655, was reprinted in 1 *Mass. Hist. Coll.*, v. 173–192. Hutchinson, *Papers*, 1769, pp. 161–179, had already printed the former.[2]

The religious character of the colony was exemplified by the publication, in 1640, of the first book issued from the Cambridge press, set up by Stephen Daye the year before; namely, *The Whole Booke of Psalmes Faithfully Translated into English Metre*, by Richard Mather, Thomas Welde, and John Eliot. Prince, in the preface to his revised edition of this book, 1758, says that it "had the honor of being the *First Book* printed in North America, and, as far as I can find, in this *whole* NEW WORLD." Prince was not aware that a printing press had existed in the City of Mexico one hundred years before.[3] He was right, however, in the first part of his sentence. Eight copies of the book are known to be extant, of which two are in Cambridge, where it was printed. Within a year or two a copy has been sold for fifteen hundred dollars.[4] The first thing printed by Daye was the freeman's oath, the next was an almanac made for New England by Mr. William Peirce, mariner, — so says Winthrop. What enterprising explorer of garrets and cellars

[1] [Ward is better known, however, by his *Simple Cobler of Aggawam in America*, which passed through four editions in London in 1647, — a rarity now worth six or seven pounds; *Carter-Brown Catalogue*, ii. 624; *O'Callaghan Catalogue*, 2,351; *Menzies Catalogue*, no. 2,038, etc. It was not reprinted in Boston till 1713, and again, edited by David Pulsifer, in 1843. Mr. John Ward Dean published a good memoir of Ward in 1868. The book in question is no further historical than that it illustrates the length to which good people could go in vindication of intolerance, in days when Antinomianism and other aggressive views were troubling many. — ED.]

[2] [The *Abstract* is also in Force's *Tracts*, iii. A note on the bibliography of the subject will be found in *Memorial History of Boston*, i. 145. Cf. *Brinley Catalogue*, p. 108; *Carter-Brown Catalogue*, ii. 483; Sabin, no. 52,595. Mr. Deane has a copy. — ED.]

[3] A list of books there printed from 1540 to 1599 may be seen in the *Carter-Brown Catalogue*, i. 131–135.

[4] [Something of its bibliographical history is told with references in *Memorial History of Boston*, i. 458–460. Of two copies of the original edition there mentioned, one, the Fiske copy, is now in the Carter-Brown library (*Catalogue*, ii. 470); another, the Vanderbilt copy, has since been burned in New York. — ED.]

will add copies of these to our collections of Americana? Probably one of the last books printed by Daye was the first digest of the laws of the colony, which was passing through the press in 1648. Johnson says it was printed that year. Probably 1649 was the date on the titlepage. Not a single copy is known to be in existence. Daye was succeeded in 1649 by Samuel Green, who issued books from the Cambridge press for nearly fifty years.[1]

One of the most interesting and authentic of the early narratives relating to the colony is Thomas Lechford's *Plain Dealing*, London, 1642. Lechford came over here in 1638, arriving June 27, and he embarked for home Aug. 3, 1641. He was a lawyer by profession, and he came here with friendly feelings toward the Puritan settlement. But lawyers were not wanted in the colony. He was looked upon with suspicion, and could barely earn a living for his family. He did some writing for the magistrates, and transcribed some papers for Nathaniel Ward, the supposed author of the Body of Liberties, to whom he may have rendered professional aid in that work. He prepared his book for the press soon after his return home. It is full of valuable information relating to the manners and customs of the colony, written by an able and impartial hand.[2]

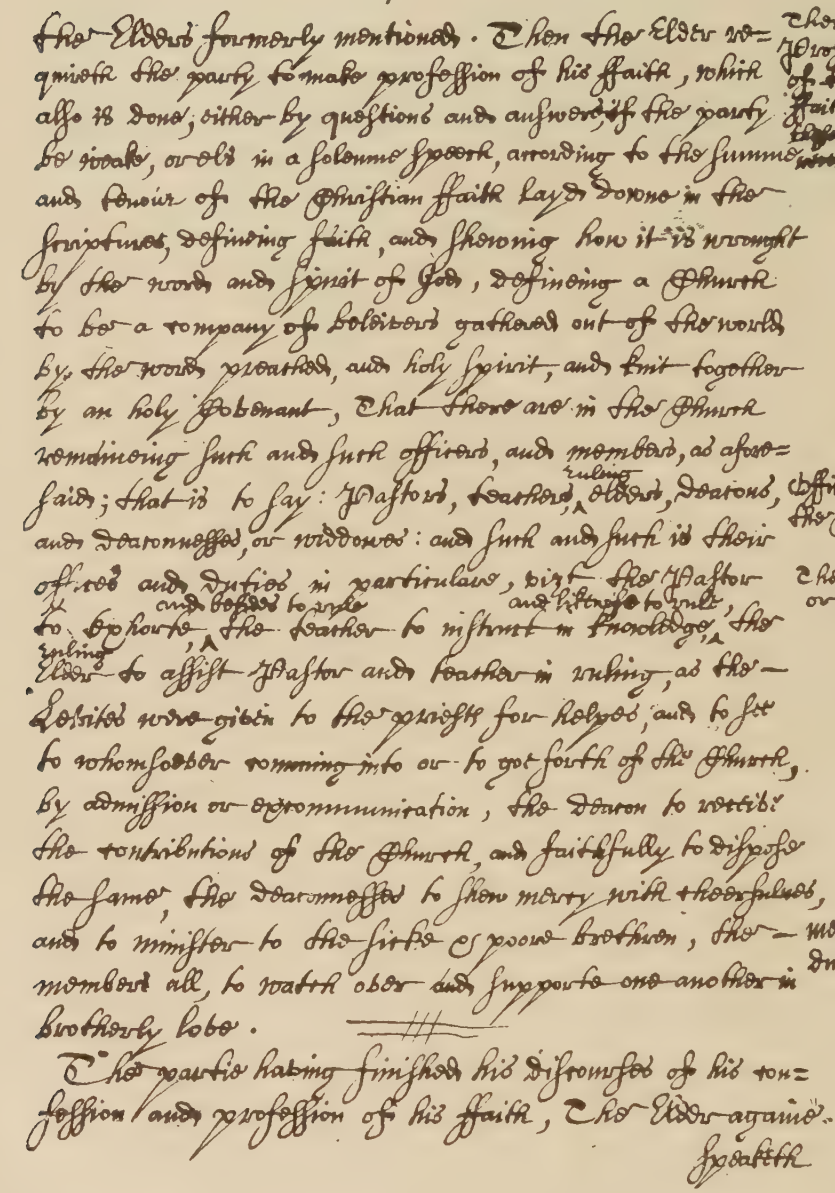
To the leading men in the colony, religion, or their own notion concerning religion, was the one absorbing theme; and they sought to embody it in a union of Church and State. In this regard John Cotton[3] seems to have been the mouthpiece of the community. He came near losing his influence at the time of the Antinomian controversy; but by judicious management he recovered himself. He was not averse to discussion, had a passion for writing, and his pen was ever active. The present writer has nearly thirty of Cotton's books, — the *Carter-Brown Catalogue* shows over forty, — written in New England, and sent to London to be printed. Some of these were in answer to inquiries from London concerning their church estate, etc., here, and were intended to satisfy the curiosity of friends, as well as to influence public opinion there. Cotton had a long controversy with Roger Williams relating to the subject of Williams's banishment from this colony. Another discussion with him, which took a little different form, was the "Bloudy Tenet" controversy, which had another origin, and in which the question of persecution for conscience' sake was discussed. Williams, of course, here had the argument on the general principle. Cotton was like a strong man struggling in the mire.[4] Cotton's book on the *Keyes of the Kingdom of Heaven* shows his idea of the true church polity. His answer to Baylie's *Dissuasive* in *The Way of the Congregational Churches Cleared* is really a valuable historical book, in which, incidentally, he introduces information concerning persons and events which relate to Plymouth as well as to Massachusetts. This book furnished to the present writer the clew to the fact that John Winthrop was the author of the principal part of the contents of Welde's *Short Story*, published in London

[1] For a list of Daye's and Green's books see Thomas's *History of Printing*, 2d ed.; and other references to the early history of the press in New England will be found in *Memorial History of Boston*, i. ch. 14.

[2] It was reprinted in 3 *Mass. Hist. Coll.*, iii. A new edition, with learned notes and an introduction by the editor, Dr. J. Hammond Trumbull, was published in Boston in 1867. [A portion of the manuscript is in the cabinet of the Historical Society, and a fac-simile of a page of it is given herewith, together with the accompanying statement on the manuscript in the hand of the learned Boston antiquary, James Savage, of whom there is a memoir by G. S. Hillard in *Mass. Hist. Soc. Proc.*, xvi. 117. Cf. *N. E. Hist. and Geneal. Reg.*, i. 81. The autograph of Lechford is from another source. The Ebeling copy is certainly no longer unique, though the book is rare enough to have been priced recently in London at $75. Cf. Sabin, *Dictionary*, x. 158; *Carter-Brown Catalogue*, ii. 506, 545; *Brinley Catalogue*, no. 322; Menzies, no. 1,202. There is a note-book of Lechford preserved in the American Antiquarian Society's Cabinet. — Ed.]

[3] [A portrait of Cotton of somewhat doubtful authenticity, together with references on his life, will be found in *Memorial History of Boston*, i. 157. — Ed.]

[4] [The best bibliographical record of the books in Cotton's controversy with Williams, as indeed of most of the points of this present essay, is the appendix of Dexter's *Congregationalism;* a briefer survey, grouping the books in their relations, is in *Memorial History of Boston*, i. 172. See a later page under "Rhode Island." — Ed.]



in 1644, relating to the Antinomian troubles and Mrs. Hutchinson. The Rev. Thomas Hooker, of Hartford, entered with Cotton into the church controversy. His *Survey of the Summe of Church Discipline*, etc., written in answer to Rutherford, Hudson, and Baylie, Presbyterian controversialists, was published within the same cover with Cotton's book last cited, and one general titlepage covered both, with the imprint of London, 1648. Well known among Cotton's other productions is his *Milk for Babes, drawn out of the Breasts of both Testaments, chiefly for the Spiritual Nourishment of Boston Babes in*

This manuscript is, with great probability, or rather certainty, regarded by me, as part of the original MS. of "Plain Dealing; or News from New England" "A short view of New England's present government, "both ecclesiastical and civil, compared with the an- "cient & received and established government of Eng- "land in some material points fit for the gra- "vest consideration in these times". By Thomas "Lechford of Clements Inn in the county of Middle- "sex, Gent. London printed by M. E. and G. G. for Nat. Butter at the sign of the Pyde Bull near S. Austins gate 1642. (wt MS pagn. 1 to 93 (last)

The opposite page is page 7. of the printed (many 20)
book, but the author inserted some few remarks more than herein contained.

The deficiency of the MS. at the end is from page 53 of the printed book to the end p. 80

I have carefully compared, and find word for word in general; but the short hand is probably part of the printed volume

James Savage

Boston (N. E.) 12 May 1820

Attst. James C. Merrill

The only known copy of Plain Dealing is in the Ebeling Collection at Harvard College

et mei Tho. Lechford Scriptoris hujus

either England, but may be of like Use for any Children, London, 1646.[1] The discussion of Cotton and others having confirmed the colony in its church polity, — "From New England," says Baylie, writing in London in 1645, "came Independency of Churches hither, which hath spread over all parts here," — it was thought best to embody the system in a platform. So a synod was called for May, 1646, which by sundry meetings and adjournments completed the work in August, 1648. The result was the famous "Cambridge Platform," which continued the rule of our ecclesiastical polity, with slight variations, till the adoption of the constitution of 1780. It was printed at Cambridge, in 1649, by Samuel Green, — probably his first book, — and was entitled *A Platform of Church Discipline*, etc. A copy of the printed volume was sent over to London by John Cotton (who probably had the largest agency in preparing the work)[2] to Edward Winslow, then in England, who procured it to be printed in 1653, with an explanatory preface by himself.[3]

The important political union of the New England colonies, or a portion of them, in 1643, has been already referred to. The Articles of Confederation were first printed in 1656 in London, prefixed to Governor Eaton's code of laws entitled *New Haven's Settling in New England*,[4] — to be mentioned further on.

The trouble of Massachusetts with Samuel Gorton was brought about by the unwarrantable conduct of the colony towards that eccentric person. Gorton appealed to England, and Edward Winslow, the diplomatist of Plymouth and Massachusetts, was sent over to defend the Bay colony. Gorton's *Simplicitie's Defence*, published in London in 1646, was answered by Winslow's *Hypocrasie Unmasked*, issued the same year. This was reissued in 1649, with a new titlepage, called *The Danger of tolerating Levellers in a Civill State*, the Dedication to the Earl of Warwick, in the former issue, being omitted.[5]

Winslow had his hands full, about this time, in defending Massachusetts. The colony was never without a disturbing element in its own population, and about the time of the trouble with Gorton a number of influential persons who held Presbyterian views of church government were clamorous for the right of suffrage, which was denied them. The controversy of the Government with Dr. Robert Child, Samuel Maverick, and others, in 1646, need not be repeated here. An appeal was made to England. Child and some of his associates went thither, and published a book in 1647, in London, called *New England's Jonas cast up at London*, edited by Child's brother, Major John Child, whose

[1] This is the earliest edition of this famous book; and I know of but two copies of it, — one before me, and one in the Thomason Library in the British Museum. Mr. Arthur Ellis, in his *History of the First Church in Boston*, has given a fac-simile of the titlepage. An edition was printed at Cambridge in 1656, of which a copy is in the library of the late George Livermore.

[2] Palfrey, *New England*, ii. 184.

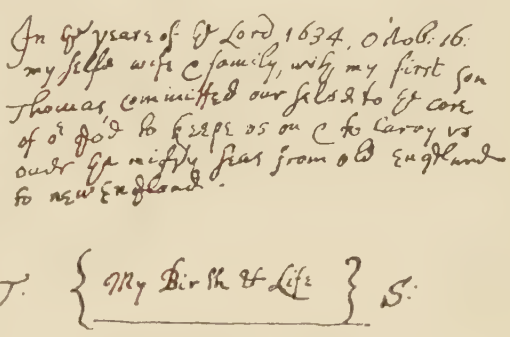
[3] In 1725 the *Results of Three Synods . . . of the Churches of Massachusetts*, 1648, 1662, *and* 1669, was reprinted in Boston. Cf. *Carter-Brown Catalogue*, iii. no. 362.

[4] A copy of the rare first edition is in the library of the American Antiquarian Society, from which twenty copies were reprinted by Mr. Hoadly, Secretary of State of Connecticut, in 1858. The important subject of this confederation is sufficiently illustrated in a lecture by John Quincy Adams, in 1843, published in 3 *Mass. Hist. Coll.*, ix. 187. [See references to reprints of the articles, and notes on the Confederacy in *Memorial History of Boston*, i. 299. — Ed.]

[5] Copies of Winslow's book are very rare, and are worth probably one hundred dollars or more, being rarely seen in the market. [There are copies in the Carter-Brown Library (*Catalogue*, ii. 600, with fac-simile of title), and in Mr. Deane's collection. The second edition appears in the *Brinley Catalogue*, no. 691. — Ed.] Gorton's book, also rare, has been reprinted by Judge Staples, with learned notes, in the *Rhode Island Historical Society's Collections*, vol. ii. [and is also in Force's *Tracts*, vol. iv. There are copies in the Prince, Charles Deane, Carter-Brown (*Catalogue*, ii. 589, with a long note), and Harvard College libraries. Cf. also Sabin's *Dictionary*, vii. 352, and *Brinley Catalogue*, no. 578. — Ed.] While writing this note there has come to my hand no. 17 of Mr. S. S. Rider's *Rhode Island Historical Tracts*, containing "A Defence of Samuel Gorton and the Settlers of Shawomet," by George A. Brayton. See other authorities noted in the *Memorial History of Boston*, i. 171, and in Bartlett's *Bibliography of Rhode Island*.

name appears upon the titlepage. A postscript comments unfavorably on Winslow's *Hypocrasie Unmasked*. This book was replied to by Winslow in a tract called *New England's Salamander Discovered*, etc., London, 1647. These books are important as illustrating Massachusetts history at this period.[1]

During this visit of Winslow to England, from which he never returned to New England, he performed a grateful service in behalf of the natives. By his influence a corporation was created by Parliament, in 1649, for propagating the gospel among the Indian tribes in New England, and some of the accounts of the progress of the missions, sent over from the colony, were published in London by the corporation. The conversion of the natives was one object set forth in the Massachusetts charter; and Roger Williams had, while a resident of Massachusetts and Plymouth, taken a deep interest in them, and in 1643, while on a voyage to England, he drew up *A Key unto the Language of America*,[2] published that year in London. In that same year there was also published in London a small tract called *New England's First-Fruits*, first in respect to the college, and second in respect to the Indians.[3] Some hopeful instances of conversion among the natives were briefly given in this tract. In 1647 a more full relation of Eliot's labors was sent over to Winslow, who the year before had arrived in England as agent of Massachusetts, and printed under the title, *The Day breaking, if not the Sun rising, of the Gospel with the Indians in New England*. In the following year, 1648, a narrative was published in London, written by Thomas Shepard, called *The Clear Sunshine of the Gospel breaking forth upon the Indians*, etc., and this in 1649 was followed by *The Glorious Progress of the Gospel amongst the Indians in New England*, setting forth the labors of Eliot and Mayhew. The Rev. Henry Whitfield, who had been pastor of a church in Guilford, Conn., returned to England in 1650; and in the following year he published in London *The Light appearing more and more towards the Perfect Day*, and in 1652, *Strength out of Weakness*, both containing accounts, written chiefly by Eliot, of the progress of his labors. This last tract was the first of those published by the Corporation, which continued thenceforth, for several years, to publish the record of the missions as they were sent over from the colony. In 1653 a tract appeared under the title of *Tears of Repentance*, etc.; in 1655, *A late and further Manifestation of the Progress of the Gospel*, etc.; in 1659, *A further Accompt*, etc.; and in 1660, *A further Account* still.[5] Eliot's literary


In the years of ye Lord 1634. Octob. 16.
my selfe wife & family, with my first son
Thomas, committed our selves to ye care
of our God to keepe us on the Sea to carry us
over by mighty seas from old England
to new England.
T. { My Birth & Life } S.

SHEPARD'S AUTOBIOGRAPHY.[4]

[1] Child's book was reprinted in part in 2 *Mass. Hist. Coll.*, iv. 107. It was reprinted in 1869 by William Parsons Lunt, with notes by W. T. R. Marvin. A copy of the original edition is in the library of the Boston Athenæum, and in that of John Carter Brown (*Catalogue*, ii. 608), which also has a copy of Winslow's *New England's Salamander* (*Catalogue*, ii. 623), and there is another in Harvard College Library. This is also reprinted in 3 *Mass. Hist. Coll.*, ii. 110. The Remonstrance and Petition of Child and others, and the Declaration in answer thereto, may be seen in Hutchinson's *Papers*, p. 188 *et seq.*

[2] [For an account of this book and its history, and much relating to the embodiment of the Indian speech in literary form, see Dr. J. H. Trumbull's chapter on "The Indian Tongue and the Literature fashioned by Eliot and others," in *Memorial History of Boston*, i. 465, with references there noted. — Ed.]

[3] That part relating to the college was published in an early volume of the *Collections* of the Massachusetts Historical Society.

[4] [A fac-simile of the opening of the little book, which contains Thomas Shepard's autobiography, now the property of the Shepard Memorial Church in Cambridge. — Ed.]

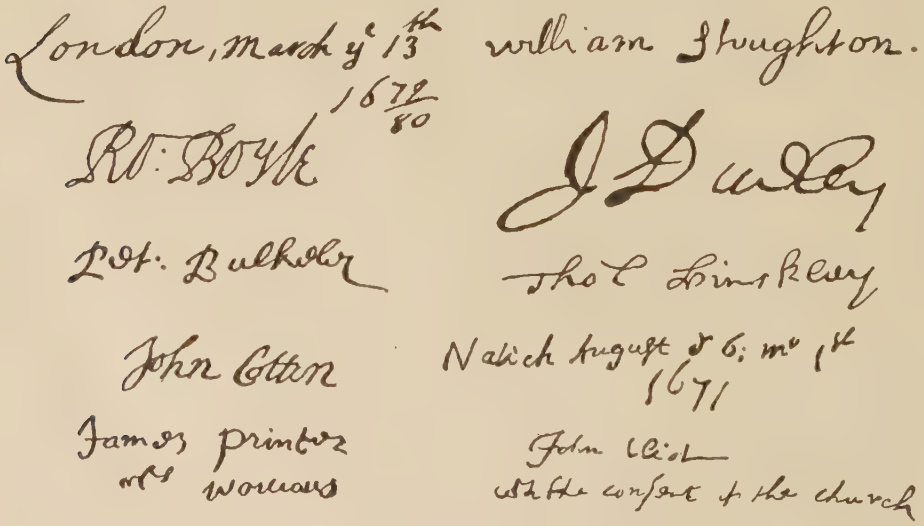
[5] The originals of these tracts, with one exception, are in the possession of the writer, and

labors in behalf of the Massachusetts Indians culminated in the translation of the Bible into their dialect, and its publication through the Cambridge press. The Testament was printed in 1661, and the whole Bible in 1663; and second editions of each appeared, — the former in 1680, and the latter in 1685.[1]

Eliot was imbued with the enthusiasm of the time. As John Cotton had deduced a body of laws from the Scriptures, which he offered to the General Court for the colony, so in like manner Eliot drew from the Scriptures a frame of government for a commonwealth. It was entitled *The Christian Commonwealth; or, the Civil Polity of the Rising Kingdom of Jesus Christ*, which he sent to England during the interregnum, and commended to the people there. He had drawn up a similar form for his Indian community, and had put it in practice. His manuscript, after slumbering for some years, was printed in London in 1659, and some copies came over to the colony. The Restoration soon fol-

they are for the most part in the Carter-Brown Library; and seven of them are published in 3 *Mass. Hist. Coll.*, vol. iv. [Further bibliographical detail can be found in Dr. Dexter's *Congregationalism;* Sabin, *Dictionary;* Dr. Trumbull's *Brinley Catalogue*, p. 52; Field's *Indian Bibliography; Memorial History of Boston*, i. 265, etc.; and more or less of the titles appear in the Menzies (nos. 1,475, 1,815, 1,816, 2,124, 2,125), O'Callaghan (nos. 852, etc.), and Rich (1832, nos. 237, 261, 263, 273, 280, 287, 292, 304, 316, 355) catalogues. Some of these Eliot tracts were used in compiling the postscript on the "Gospel's Good Successe in New England," appended to a book *Of the Conversion of . . . Indians*, London, 1650 (Sabin, xiii. 56,742). Eliot's own *Briefe Narrative* (1670) of his labors has been reprinted in Boston, and in the appendix of the reprint is a list of the writers on the subject. Letters of Eliot, dated 1651–52, on his labors, are in the *N. E. Hist. and Geneal. Reg.*, July, 1882. For an alleged portrait of Eliot and references, see *Memorial History of Boston*, i. 260, 261. A better engraving has since appeared in the *Century Magazine*, 1883. — ED.]

[1] [Some copies of the second edition have a dedication to Robert Boyle and the Company for the Propagation of the Gospel among the Indians, signed by William Stoughton, Joseph Dudley, Peter Bulkley, and Thomas Hinckley. Eliot was assisted in this second edition by John Cotton, of Plymouth, son of the Boston minister; and the type was in part set for both editions by James Printer, an Indian taught to do the work. There is a notice of Boyle by C. O. Thompson in the *Amer. Antiq. Soc. Proc.*, April, 1882, p. 54; and one of the Society for Propagating the Gospel, by G. D. Scull, in the *N. E. Hist. and Geneal. Reg.*, April, 1882, p. 157. Cf. Sabin's *Dictionary*, viii. 552. A portion of the original manuscript records of the society (1655–1685) were described in Stevens's *Bibliotheca Historica* (1870), no. 1,399, and brought in the sale $265. The bibliographical history of the Indian Bible is given in Dr. Trumbull's chapter in the *Memorial History of Boston*, as before noted.



AUTOGRAPHS CONNECTED WITH THE INDIAN BIBLE.

lowed. Eliot had in his treatise reflected on kingly government, and in May, 1661, the General Court ordered the book to be totally suppressed; and all persons having copies of it were commanded either to cancel or deface the same, or deliver them to the next magistrate. Eliot acknowledged his fault under his own hand, saying he sent the manuscript to England some nine or ten years before. Hutchinson, commenting on this whole proceeding, says, "When the times change, men generally suffer their opinions to change with them, so far at least as is necessary to avoid danger." How many copies of the book were destroyed by this order of the court, we cannot tell. A few years ago the only copy known was owned by Colonel Thomas Aspinwall, then residing in London; and from this copy a transcript was made, and it was printed in 1846 in 3 *Mass. Hist. Coll.*, ix. 129.[1]

Eliot was not the only distinguished citizen whose book came under the ban of the Massachusetts authorities. William Pynchon, of Springfield, wrote a book which was published in London in 1650, entitled *The Meritorious price of our Redemption*, etc., copies of which arrived in Boston during the session of the General Court in October of that year. The Court immediately condemned it, and ordered it to be burned the next day in the market-place, which was done; and Mr. Norton was asked to answer it. Norton obeyed, and the book he wrote was ordered to be sent to London to be published. It was *A Discussion of that Great Point in Divinity, the Sufferings of Christ*, etc., 1653. Pynchon in the mean time was brought before the Court, and was plied by several orthodox divines. He admitted that some points in his book were overstated, and his sentence was postponed. Not liking his treatment here he went back to England in 1652, and published a reply to Norton in a work with a title similar to that which gave the original offence, London, 1655. Pynchon held that Christ did not suffer the torments of hell for mankind, and that he bore not our sins by imputation. A more full answer to Norton's book was published by him in 1662, called the *Covenant of Nature*.[2]

John Winthrop died March 26, 1649. No man in the colony was so well qualified as he, either from opportunity or character, to write its history. Yet he left no history. But he left what was more precious, — a journal of events, recorded in chronological order, from the time of his departure from England in the "Arbella," to within two months of his death. This Journal may be called the materials of history of the most valuable character. The author himself calls it a "History of New England." From this, for the period which it covers, and from the records of the General Court for the same period, a history of the colony for the first twenty years could be written. For over one hundred years from Winthrop's death no mention is made of his Journal. Although it was largely drawn upon by Hubbard in his *History* (1680), and was used by Cotton Mather in his *Magnalia*, it was cited by neither, and was first mentioned by Thomas Prince on the cover of the first number of the second volume of his *Annals*, in 1755. Among his list of authorities there given, he mentions "having lately received" this Journal of Governor Winthrop. Prince made but little use of this manuscript, as the three numbers only which he issued of his second volume ended with Aug. 5, 1633. Prince probably procured the Journal from the Winthrop family in Connecticut. It was in three volumes. The first and second volumes were restored to the family, and were published in Hartford in 1790, in one volume, edited by Noah Webster.[3] The third volume was found in the Prince Library, in the tower of the Old South Church, in 1816, and was given to the Massachusetts Historical Society. It was published, together with volumes one and two, in 1825 and 1826, in two volumes, edited by James Savage.[4] Volume two of the manuscript was

[1] A copy is in the Carter-Brown Library, and another in the possession of the writer.

[2] See the list of Norton's and Pynchon's publications in Sabin's *Dictionary*.

[3] *A Journal of the Transactions and Occurrences in the Settlement of Massachusetts and the other New-England Colonies, from the year* 1630 *to* 1644. . . . *Now first published from a correct copy of the original manuscript.* Hartford, 1790.

[4] *The History of New England from* 1630 *to* 1649. *From his original manuscripts. With Notes to illustrate the Civil and Ecclesiastical concerns, the Geography, Settlement, and Institutions of the Country, and the Lives and Manners of the*

destroyed by a fire which, Nov. 10, 1825, consumed the building in Court Street, Boston, in which Mr. Savage had his office.[1]

The earliest published narrative — we can hardly call it a history — relating generally to Massachusetts, is Edward Johnson's "Wonder-Working Providence of Sion's Saviour in New England," — the running title to the book, which on the titlepage is called a *History of New England*, etc., London, 1654. The book does not profess to give an orderly account of the settlement of New England, or even of Massachusetts, to which it wholly relates, but describes what took place in the colony under his own observation largely, and what would illustrate "the goodness of God in the settlement of these colonies." The book is supposed to have been written two or three years only before it was sent to England to be published. It is conjectured that the titlepage was added by the publisher.[2] The book has a value, for it contains many facts, but its composition and arrangement are bad.[3]

Edward Johnson

The Quaker episode produced an abundant literature. Several Rhode Island Baptists had previously received rough usage here; and Dr. John Clarke, one of the founders of Rhode Island, who had a personal experience to relate, published in London, in 1652, — whither he had gone with Roger Williams the year before, — a book against the colony, called *Ill-Newes from New-England, or a Narrative of New-England's Persecution*, etc.[4]

In 1654, two years before the Quakers made their appearance, the colony passed a law against any one having in his possession the books of Reeve and Muggleton, "the two Last Witnesses and True Prophets of Jesus Christ," as they called themselves. Some of the books of these fanatics had been printed in London in 1653, and had made their way to the colony, and the executioner was ordered to burn all such books in the market-place on the next Lecture day. In 1656 the Quakers came and brought their books, which were at once seized and reserved for the fire; while sentence of banishment was passed against those who brought them. The Quakers continued to flock to the colony in violation of the law now passed against them. They were imprisoned, whipped, and two were hanged in Boston in October, 1659, one in June, 1660, and one in March, 1661. Some of the more important books which the Quaker controversy brought forth must now be named. An account of the reception which the Quakers met with here soon found its way to London, and to the hands of Francis Howgill, who published it with the title, *The Popish Inquisition Newly Erected in New England*, etc., London, 1659. Another tract appeared there the same year as *The Secret Works of a Cruel People Made Manifest*. In the following year appeared *A Call from Death to Life*, letters written "from the common goal of Boston" by Stephenson and Robinson (who were shortly after executed); and one "written in Plymouth Prison" by Peter Pearson, a few weeks later, giving an account of the execution of the two former.

In October, 1658, John Norton had been appointed by the Court to write a treatise on the doctrines of the Quakers, which he did, and the tract was printed in Cambridge in 1659, and in London in 1660, with the title, *The Heart of New England Rent at the Blasphemies of the Present Generation.* After

John Norton

principal Planters. By James Savage. Boston, 1825–26. 2 vols. New ed., with additions and corrections. Boston, 1853. 2 vols.

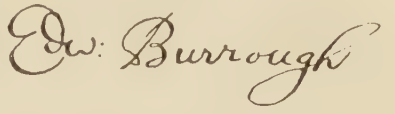
[1] [For other details and references see *Memorial History of Boston*, i. p. xvii. — ED.]

[2] A curious bibliographical question is connected with a later issue of the volume as bound up with several of the Gorges tracts, for the discussion of which see the Introduction to Mr. W. F. Poole's valuable edition of Johnson's book, Andover, 1867, pp. li–vi; with which cf. *North American Review*, January, 1868, pp. 323–328; and *Mass. Hist. Soc. Proc.*, June, 1881, pp. 432–35. [Geo. H. Moore printed some strictures on Poole's edition in *Historical Magazine*, xiii. 87. Cf. Dexter's *Congregationalism; Carter-Brown Catalogue*, ii. 771, 851; and other references in *Memorial History of Boston*, i. 463. — ED.]

[3] It was republished in fragmentary parts in several volumes of the Massachusetts Historical Society's *Collections*, second series.

[4] It is reprinted in 4 *Mass. Hist. Coll.*, vol ii., from a copy of the rare original in the Carter-Brown Library.

three Quakers had been hanged, the colony, under date of Dec. 19, 1660, sent an "Humble Petition and Address of the General Court . . . unto the High and Mighty Prince Charles the Second," defending their conduct. This was presented February 11, and printed, and was replied to by Edward Burroughs in an elaborate volume, which contains a full account of the first three martyrs. This was followed this year, 1661, by a yet more important volume, by George Bishope, called *New England Judged*, in which the story of the Quaker persecution from the beginning is told. Bishope lived in England, and published in a first volume the accounts and letters of the sufferers sent over to him. A second volume was published in 1667, continuing the narrative of the sufferings and of the hanging of William Leddra, in March, 1661. A general *History of the Quakers* was written by William Sewel, a Dutch Quaker of Amsterdam, published there in his native tongue, in 1717, folio. Sewel's grandfather was an English Brownist, who emigrated to Holland. The book was translated by the author himself into English, and published in London in 1722.[1] Joseph Besse's book, — *A Collection of the Sufferings of the People called Quakers, for the Testimony of a Good Conscience*, 1753, — contains a mass of most valuable statistics about the Quakers. Hutchinson's *History of Massachusetts Bay* has an excellent summarized account, as do the histories of Dr. Palfrey and Mr. Barry.[2]

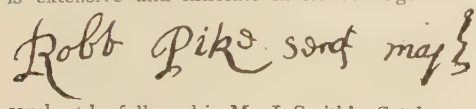


The records of the colony, as I have frequently had occasion to observe, afford the richest materials for the colony's history, and never more so than in regard to the trials which the colony experienced from the period following the Restoration to the time of Dudley and Andros. The story of the visit of the royal commissioners here in 1665 is no where so fully told as there. Indeed, the principal source of the history of Maine and of New Hampshire while they were for many years a component part of the colony of Massachusetts is told in the records of the old Bay State.

During the trouble with the Quakers Massachusetts was afflicted by a wordy controversy, imported from Connecticut, but which did not reach its culminating point till 1662. I refer to the "Half-way Covenant," for the discussion of which a council of ministers from both colonies was called in 1657, in Boston, which pronounced in favor of the system in question. A synod of Massachusetts churches in 1662 confirmed the judgment here given, and the Half-way Covenant system prevailed extensively in New England for more than a century. After the synod was dissolved, and the result was published by order of the General Court, the discussion continued, and several tracts were issued from the Cambridge press, *pro* and *con*, in 1662, 1663, and 1664.[3] Of Morton's *New England's Memorial* mention has already been made in the preceding chapter, as it con-

[1] Charles Lamb speaks of the book in his *Elia* under "A Quaker Meeting."

[2] [The literature of the Quaker controversy is extensive and intricate in its bearings. It



can best be followed in Mr. J. Smith's *Catalogue of Friends' Books*, and in his *Anti-Quakeriana*. Dr. Dexter's *Congregationalism*, and the *Brinley* and *Carter-Brown Catalogues* will assist the student. The 1703 edition of Bishope's *New England Judged*, abridged in some ways and enlarged in others, contains also John Whiting's *Truth and Innocencey Defended*, which is an answer in part to portions of Cotton Mather's *Magnalia*; cf. also the note in *Memorial History of Boston*, i. 187. There were a few of the prominent men at the time who dared to protest boldly against the unwise actions of the magistrates; and of such none were more prominent than James Cudworth, of Plymouth Colony, and Robert Pike, of Salisbury. The conduct of the latter has been commemorated in James S. Pike's *New Puritan*, New York, 1879. — ED.]

[3] For their titles see Thomas's *History of Printing*, 2d ed. vol. ii. pp. 313–315; the bibliographical list in Dr. H. M. Dexter's *Congregationalism*, whose work may also be consulted for a history of the subject itself; Mather's *Magnalia*, v. 64 *et seq.*; Upham's *Ratio Disciplinæ*, p. 223; Trumbull's *Connecticut*, chaps. xiii. and xix. of vol. i.; Hutchinson, i. 223–24; Wisner's *History of the Old South Church in Boston*, pp. 5–7; Bacon's *Discourses*, pp. 139–141.

cerns chiefly the Plymouth Colony. It contains, however, many things of interest about Massachusetts; recording the death of many of her worthies, and embalming their memories in verse. It ends with the year 1668, with a notice of the death of Jonathan Mitchel, the minister of Cambridge, and of that of John Eliot, Jr., the son of the apostle, at the age of thirty-two years. There are five unpaged leaves after "finis," containing "A Brief Chronological Table."

There was printed in London in 1674 *An Account of Two Voyages to New England*, by John Josselyn, Gent., a duodecimo volume of 279 pages. This author and traveller was a brother of Henry Josselyn, of Black Point, or Scarborough, in Maine, and they are said to have been sons of Sir Thomas Josselyn, of Kent, knight. John came to New England in 1638, and landed at Noddle's Island, and was a guest of Samuel Maverick; thence he went to Scarborough, stayed with his brother till the end of 1639, and then returned home. In 1663 he came over again, and stayed till 1671; and then went home and wrote this book. His own observations are valuable, but his history is often erroneous. He frequently cites Johnson. At the end of his book is a chronological table running back before the Christian era. His *New England's Rarities*, published in 1672, giving an account of the fauna and flora of the country, has been reprinted with notes in the American Antiquarian Society's *Transactions*, vol. iv., edited by Edward Tuckerman.[1]

The interest of John Ogilby's large folio on *America* is almost solely a borrowed one, so far as concerns New England history, arising from the use he made of Wood, Johnson, and Gorges.[2]

The modern student will find a very interesting series of successive bulletins, as it were, of the sensations engendered by the progress of the Indian outbreak of 1675–76, known as "Philip's War," and of the events as they occurred, in a number of tracts, mostly of few pages, which one or more persons in Boston sent to London to be printed. They are now among the choicest rarities of a New England library.[3] It was to make an answer

[1] [Mr. Tuckerman revised his notes and introduction in a reprint, published by Veazie in Boston in 1865. The *Voyages*, which had been reprinted in 3 *Mass. Hist. Coll.*, iii., was also reissued in 1865 in a companion volume to the *Rarities*, the text being corrected from a copy of the "second addition," 1675, in Harvard College Library. The earlier book usually brings £3 or £4, the later one from £5 to £10. Both are in the *Carter-Brown Catalogue*, ii. 1,080, 1,104. Cf. Sabin, ix. 340; Menzies, 1,104, 1,105. — Ed.]

[2] [It is further characterized in Vol. IV., chap. x. — Ed.]

[3] There are at least eight titles in this interesting list: —

1. *The Present State of New England with respect to the Indian War*, 1675 (19 pages), purporting to be by a merchant of Boston.

2. *A Briefe and True Narration of the late Wars*, 1675 (8 pages); cf. Sabin, vol. xiii. nos. 52,616, 52,638.

3. *A Continuation of the State of New England*, 1676 (20 pages).

4. *A New and Further Narrative of the State of New England*, 1676 (14 pages), signed N. T.

5. *A True Account of the most considerable Occurences that have hapned in the War*, 1676 (14 pages).

6. *New England's Tears for her present Miseries*, 1676 (14 pages).

7. *News from New England*, 1676 (6 pages). Sabin only records one copy; and of a second edition, 1676, there are copies in the British Museum and Carter-Brown libraries.

8. *The War in New England visibly Ended*, 1677 (6 pages), containing news of the death of Philip, brought by Caleb More, master of a vessel newly arrived from Rhode Island.

[These tracts are all in the *Carter-Brown Catalogue*, vol. ii., and several are in Mr. Deane's collection, and in Harvard College Library. Rich supposed that nos. 1, 3, and 4 were written by the same person. Five of them were reprinted by S. G. Drake in his *Old Indian Chronicle* in 1836, and again in 1867, with new notes; and no. 7 was reprinted in 1850 by Drake, and in 1865 by Woodward. Sabin, xiii. 321, 322.

These tracts are priced at twelve and eighteen shillings, and at similarly high sums, even in Rich's catalogues of fifty years ago. Whenever they have occurred in sales of late years they have proved the occasion of much competition and unusual prices. Cf. Stevens's *Hist. Coll.*, i. 1523, 1524.

Another contemporary account by a Rhode Island Quaker, as it is thought, John Easton, was printed at Albany in 1858, as a *Narrative of the Causes which led to Philip's War*. Cf. Palfrey, iii. 180; Field, *Indian Bibliography*, p. 479.

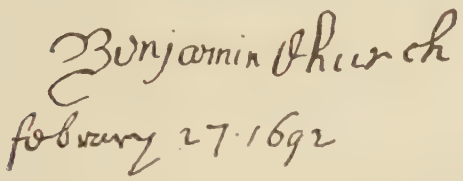
Mr. Drake, whose name is closely associated with our Indian history, was one of the foremost of American antiquaries for many years. There

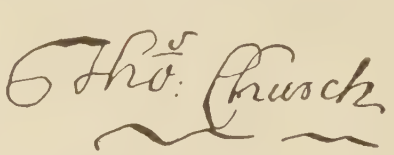
to one of these tracts that Increase Mather hastily put together and printed in Boston,[1] in 1676, his *Brief History of the War*, which was reprinted in London in the same year.[2] The year after (1677) the war closed,[3] Foster, the new Boston printer, also printed William Hubbard's *Narrative of the Troubles with the Indians*, which likewise came from the London press the same year with a changed title, *The Present State of New England, being a Narrative*, etc., — a book not, however, confined to Philip's War, but going back, as the Boston title better showed, over the whole series of the conflicts with the natives.[4]

is a memoir of him by W. B. Trask in *Potter's American Monthly*, v. 729; and another in the *N. E. Hist. and Geneal. Reg.*, July, 1863, by J. H. Sheppard, also separately issued. In 1874 he printed *Narrative Remarks*, anonymously, embodying some personal grievances and notes of his career, not pleasantly expressed. For his publications, see Sabin's *Dictionary*, v. 526, and Field's *Indian Bibliography*, p. 452. — ED.]

brought out an annotated edition in two volumes in 1865. Cf. *Hist. Mag.*, i. 252, 348; ii. 62.

Perhaps the most popular book touching the events of the war was one which was not published till 1716, from notes of Colonel Benjamin Church, and compiled by that hero's son, Thomas Church, and called *Entertaining Passages relating to Philip's War*. It is an extremely scarce book, and has brought $400. (*Brinley Cata-*





[1] John Foster had now set up a press in Boston, for the history of which and its successors see *Memorial History of Boston*, i. 453.

[2] [Rich in 1832, no. 368, priced it, either edition, at eighteen shillings. It was a quarto of 51 pages. Cf. *Carter-Brown Catalogue*, ii. 1,150; Field's *Indian Bibliography*, 1,022; *Brinley Catalogue*, 948, 5,531. It has of late years brought about $80. S. G. Drake included this and the section of the *Magnalia* on the war in his *History of King Philip's War*, 1862. Another book by Mather, *A Relation of the Troubles which have hapned in New England*, etc., was also printed in 1676, and traces the Indian wars from 1641, including the causes of Philip's War. Drake also reprinted this in 1864, as the *Early History of New England*. — ED.]

[3] [King Philip's War, which was but the beginning of a long series of wars which devastated the frontiers, may be said properly to end with the treaty of Casco, April 12, 1678, which is preserved in the *Massachusetts Archives;* though a continuation of hostilities intervened till the treaty of Portsmouth, Sept. 8, 1685. Cf. Belknap's *New Hampshire*, p. 348. — ED.]

[4] [Rich priced this book in 1832 (no. 375) at £1 10*s.*, — an extraordinary high sum for those days. I have seen the London edition priced recently at £26, and $75; and the Boston edition in the Menzies sale (no. 990) brought $200. It was reprinted in New England at least six times (all spurious editions) between 1775 and 1814 (*Brinley Catalogue*, 5,523, etc.; *Carter-Brown Catalogue*, ii. 1,167, 1,168, 1,170); and S. G. Drake

logue, no. 383; Sabin, *Dictionary*, no. 12,996; *Mass. Hist. Soc. Proc.*, iii. 293.) A second edition, Newport, 1772, is said to have been edited by Dr. Stiles, but it is not supposed he was privy to the fraud practised in that edition of presenting an engraving of the portrait of Charles Churchill, the English poet, with the addition of a powder-horn slung over the shoulder, as a likeness of Church. (Cf. *Mass. Hist. Soc. Proc.*, xix. 243; also iii. 293; and *Hist. Mag.*, December, 1868, pp. 27, 271.) Drake first reissued it in 1827, and made stereotype plates of the book, and they have been much used since. He continued to use the spurious portrait as late as 1857. Sabin, iv. 12,996; Brinley, no. 5,514. Dr. H. M. Dexter did all that is necessary for the text in his edition (two volumes) in 1865–67. Another class of books growing out of the war during its long continuance, particularly at the eastward, is what collectors know as "captivities," the most famous of which is, perhaps, that of Mrs. Rowlandson, of Lancaster, printed in 1682. The *Brinley Catalogue*, nos. 469, 5,540, etc., groups them, and they are scattered through Field's *Indian Bibliography*. The *Brinley Catalogue* also groups the works on the Indian wars of New England (nos. 382, etc.); and a condensed exposition of the authorities on Philip's War will be found in the *Memorial History of Boston*, i. 327. The local aspects of the war involve a very large amount of citation and reference. What are known as the "Narragansett Townships" grew out of the war. Before the troops marched from Dedham Plain,

In the year 1679 it became known to the members of the General Court that the Rev. William Hubbard, of Ipswich, had compiled a *History of New England*, and in June of that year they ordered that the Governor and four other persons be a committee "to peruse the same," and make return of their opinion thereof by the next session, in order "that the Court may then, as they shall then judge meet, take order for the impression thereof." Two years afterward, in October, the Court thankfully acknowledged the services of Mr. Hubbard in compiling his *History*, and voted him fifty pounds in money, "he transcribing it fairly into a book that it may be the more easily perused." There was no further movement made for the printing of the volume. The transcript made agreeably to this order is now in the Library of the Massachusetts Historical Society. The preface and some leaves of the text are wanting. This was by far the most important history of New England which had then been written. The compiler had the benefit of Bradford's *History* and Winthrop's Journal, though, after the fashion of the time, he makes no mention of them, only acknowledging in a general way his indebtedness to "the original manuscripts of such as had the managing of those affairs under their hands." The manuscript was first printed in 1815 by the Massachusetts Historical Society; and a second edition, "collated with the original MS.," was printed in 1848.[1]

The history of the struggles of the colony to maintain its charter during the period immediately preceding the loss of it is largely told in the pages of its records, and in a large mass of documents published in Hutchinson's volume of Papers, and cited in Chalmers' *Annals* and in Palfrey's *New England*. Reference may also be made to a paper by the present writer in vol. i. of *Memorial History of Boston*, on this struggle to maintain the charter.

The history of the Dudley and Andros administrations may be gathered from numerous publications which came from the press just after the Revolution; and, without mentioning their titles, I cannot do better than refer to them as published in three volumes by the Prince Society of Boston, called the *Andros Tracts*, edited with abundant notes by William H. Whitmore.[2] Palfrey's *History* should be read in connection with these memorials. The original papers of the "Inter-charter Period" are largely wanting, though some volumes of the Massachusetts Archives are so entitled.[3]

As materials for the history of the State it should be remembered that there are many town histories which contain matter of more than mere local interest. The history of the town of Boston is in a great degree the history of the colony and State, and the several histories of that town, notably those by Caleb H. Snow (to 1825) and Samuel G. Drake (to 1770), and the *Description* of N. B. Shurtleff,[4] may be specially mentioned; while the recently published *Memorial History of Boston*, edited by Mr. Justin Winsor, is indispensable to any student who wishes to know a large part of the story of Massachusetts.[5]

Dec. 9, 1675, they were promised "a gratuity of land beside their wages," and not till 1737 were the promises fulfilled, when 840 claimants or their representatives met on Boston Common, and dividing themselves into seven groups, they took possession of seven townships in Maine, Massachusetts, and New Hampshire, granted by the General Court. *New England Historical and Genealogical Register*, 1862, pp. 143, 216. — Ed.]

[1] For reference to the recovery of the preface and other missing lines, see *Mass. Hist. Soc. Proc.*, xvi. 12, 38, 100; also, cf. i. 243; ii. 421; iii. 321. Hubbard, besides the above aid, had a large number of official documents which he incorporated into his *History*. Cf. Sabin, *Dictionary*, viii. 499; Field, *Indian Bibliography*, no. 730.

[2] [Mr. Whitmore also epitomized the history with references in the *Memorial History of Boston*, ii. chap. i. Cf. also *Carter-Brown Catalogue*, ii. 1,351, 1,370, 1,372, 1,388, 1,398, 1,400, 1,403, 1,408, 1,420, 1,421. — Ed.]

[3] A copy of Dudley's commission (Oct. 8, 1685) has been recently printed in 5 *Mass. Hist. Soc. Coll.*, ix. 145.

[4] [Dr. N. B. Shurtleff, an eager Boston antiquary, died in that city, Oct. 17, 1874, and his library was sold at auction, Nov. 30, 1875, etc. — Ed.]

[5] The preface of the *Memorial History* enumerates the sources of Boston's history.

The *History of Salem*, by Dr. J. B. Felt, gives many documents of the first importance relating to the settlement of that ancient town, where the colony had its birth; and the same writer's *Customs of New England*, Boston, 1853, has a distinctive value.

The *Bibliography of the Local History of Massachusetts*, by Jeremiah Colburn, Boston, 1871, a volume of 119 pages, deserves a place in every New England library,[1] and it may be supplemented by the brief titles included in Mr. F. B. Perkins's *Check List of American History*.[2] There is a good list of local histories in the *Brinley Catalogue*, no. 1,558, etc. The *Sketches of the Judicial History of Massachusetts*, by the late Emory Washburn, is a most important book for that phase of the subject.

MAINE.[3] — The documentary history of Maine properly begins with the grant to Sir Ferdinando Gorges. The previous operations under the Laconia Company were partly, as we have seen, on the territory of Maine, while in part also their history is preserved in the archives of New Hampshire.[4]

The patent issued to Gorges at the general division, in 1635, of the territory which he named "New Somersetshire," is not extant. An organization, as we have already said, took place under this grant, and a few records are extant in manuscript.[5]

The royal charter of Maine, dated April 3, 1639, was transcribed into a book of records of the Court of Common Pleas and Sessions for the county of York, and, with the commissions to the officers, has been printed by Sullivan in his *History of Maine*, Boston, 1795, Appendix No. 1.

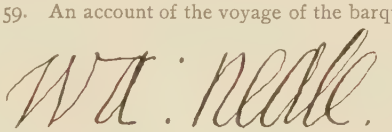
The first government organized under the charter[6] was in 1640, and the manuscript records are also at Alfred with the commissions to the officers. Extracts from the records were made by Folsom, as above, pp. 53–57. After the submission of Maine to Massachusetts in 1653, courts were held at York under the authority of the latter. Afterward, when the royal commissioners came over and went into Maine, a portion of the inhabitants were encouraged to rebel against the authority of Massachusetts, and courts were

[1] [A law was placed on the statute book of Massachusetts in 1854, by which towns may legally appropriate money for publishing their histories. The authorities on the town system of New England are cited in W. E. Foster's *Reference Lists*, July, 1882. — ED.]

[2] [The different keys to the genealogy of New England are indicated in *Memorial History of Boston*, ii. Introduction. — ED.]

[3] "Maine" took its name probably from the early designation, by the sailors and fishermen, of the main land — that is, "the main," — in distinction from the numerous islands on the coast. See Weymouth's "Voyage," in 3 *Mass. Hist. Coll.*, viii. 132, 151; Palfrey, i. 525; *Amer. Antiq. Soc. Proc.*, i. 371. The earliest use of the name, officially employed, that I have met with, is in the grant to Gorges and Mason of Aug. 10, 1622, which recites that the patentees, "by consent of the President and Council, intend to name it the *Province of Maine*." See the *Popham Memorial Volume*, p. 122. This grant was never made use of, but the name was inserted in the royal charter to Gorges of April 3, 1639, which secured its future use. Sullivan's *Maine*, Appendix, 399. The territory had been previously included in the European designations of Baccalaos and Norumbega. The Indian name was Mavooshen. See Purchas, iv., 1873; *Maine Hist. Coll.*, i. 16, 17.

[4] These manuscripts were made use of by Dr. Belknap in writing his *History of New Hampshire*, and are now all printed in the *Provincial Papers* of that State, vol. i., 1867, edited by the late Nathaniel Bouton. The grant of Aug. 10, 1622, is printed in Poor's *Ferdinando Gorges*, from the *Colonial Entry Book*, p. 101, no. 59. An account of the voyage of the barque



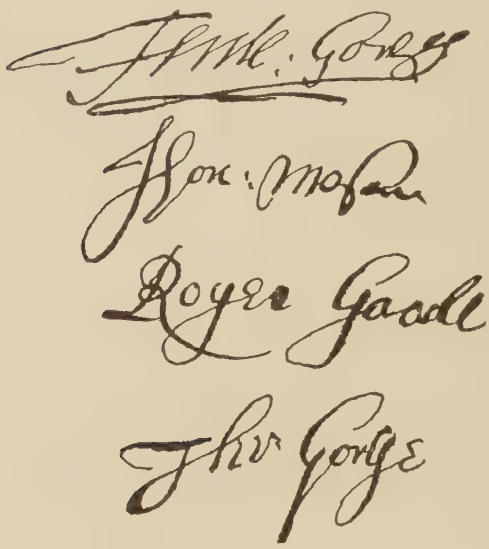
"Warwick," in 1630, which brought Captain Neal to be governor for the Company, is given in *N. E. Hist. and Geneal. Reg.*, 1867, p. 223.

[5] Citations are made from them by Folsom in his *History of Saco and Biddeford*, pp. 49–52. The original manuscript is among the old county of York records at Alfred. The commission to Sir Ferdinando Gorges as governor of New England, 1637, is printed in Poor's *Gorges*, p. 127. For his deed to Edgecombe, 1637, see *Mass. Hist. Soc. Proc.*, ii. 74.

[6] See *Massachusetts Archives*, Miscellanies, i. 130.

temporarily set up under a commission from Sir Robert Carr. Some records of their doings exist.[1]

The Records of Massachusetts for the years 1652–53 show the official relations which existed between the two colonies. The State-paper offices of England contain a large quantity of manuscripts illustrating the claims of Ferdinando Gorges, the grandson of the original proprietor; and the principal part of these may be seen either in abstracts, or at full length in Folsom's *Catalogue of Original Documents*[2] relating to Maine (New York, 1858), prepared by the late H. G. Somerby.[3] Many of these papers may also be found in Chalmers' *Annals*, 1780, who had great facilities for consulting the public offices in England.[4]



AUTOGRAPHS.[5]

Of general histories of Maine, the earliest was that of James Sullivan, entitled *The History of the District of Maine*, Boston, 1795, the territory having been made a Federal district in 1779. Judge Sullivan was too busy a man to write so complicated a history as that of Maine; and he fell into some errors, and came short of what would be expected of a writer at the present day. He was one of the founders and at that time president of the Massachusetts Historical Society, and doubtless felt the obligation to do some such work. The next important *History of Maine* is that of Judge William D. Williamson, published at Hallowell, 1832, in two volumes. This contains a vast amount of material indispensable to the student; but there are serious errors in the work, made known by the discovery of new matter since its publication. In 1830 there was published at Saco, Maine, a small 12mo volume, by George Folsom,[6] called *History of Saco and Bid-*

[1] These old Maine records have all been removed to the county town of Alfred, and they have never been printed. Extracts from time to time have been published, as by Folsom above, and by Willis in vol. i. of his *History of Portland*, who gives a description, from Judge David Sewall, of the manner in which the original records were made and kept. The charter of incorporation of Acomenticus as a town, April 10, 1641, and the charter of Gorgeana as a city, March 1, 1642, were among the papers which Hazard found at old York, and printed in his *Collection*, vol. i. Cf. "Sir Robert Carr in Maine," in *Magazine of American History*, September, 1882, p. 623; and a paper on Gorgeana in *N. E. Hist. and Geneal. Reg.*, 1881, p. 42.

[2] [Cf. *Historical Magazine*, ii. 286, and Note B to chapter vi. of the present volume. — Ed.]

[3] [Mr. Somerby, a native of Massachusetts, who died in London in 1872, did much during a long sojourn in England to further the interests of American antiquaries and genealogists. Cf. *N. E. Hist. and Geneal. Reg.*, 1874, p. 340. Colonel Joseph L. Chester also for many years filled a prominent place in similar work in England, till his death in 1882. A portrait and notice of him by John T. Latting is in the *New York Genealogical and Biographical Record*, 1882; also issued separately. Cf. *N. E. Hist. and Geneal. Reg.*, January, 1883, p. 106. — Ed.]

[4] [The deed to Usher as agent of Massachusetts, in 1677, and his conveyance to Massachusetts are at the State House in Boston. Cf. *Maine Hist. Coll.*, ii. 257; *Mass. Hist. Soc. Proc.*, xi. 201. — Ed.]

[5] [Mason was the proprietor of New Hampshire. Mr. C. W. Tuttle was engaged at his death on a memoir of Mason, upon whom he delivered addresses, reported in the *Boston Advertiser*, June 22, 1871, and *Boston Globe*, April 4, 1872. Garde was the mayor of Gorgeana. Thomas Gorges was the deputy-governor of Maine. — Ed.]

[6] Mr. Folsom, a graduate of Harvard in 1822, was at this time living in Saco. He

deford, with Notices of other Early Settlements, etc. Although a history of two comparatively small towns, now cities, yet they were early settlements; and the author, who had a faculty for history, made his work the occasion of writing a brief but authentic sketch of the history of Maine under all her multiform governments and varying fortunes. It was the best town history then written in New England, as it was also the best history of the Province of Maine.

I might mention a volume of *Sketches of the Ecclesiastical History of Maine from the Earliest Period*, by the Rev. Jonathan Greenleaf of Wells, published at Portsmouth, 1821.

In 1831–33 William Willis published his *History of Portland*, in two parts. The work embraced also sketches of several other towns, and it was prefaced by an account of the early patents and settlements in Maine; while the second edition, issued in 1865, is yet more full on the general history of the province.

There are other valuable town histories, and I cannot do better than refer the reader to Mr. William Willis's "Descriptive Catalogue of Books relating to Maine," in *Norton's Literary Letter*, No. 4, for 1859, and as enlarged in *Historical Magazine*, March, 1870.[1]

The *Collections* of the Maine Historical Society,[2] in eight volumes, contain a large amount of material which illustrates this early period. The first volume was issued in 1831, and in fact forms the first part of Willis's *History of Portland*. The *Collections* of the Massachusetts Historical Society, and especially vol. vii. of the fourth series, should be cited as of special interest here.

The *Relation* of the Council for New England, the narratives in Purchas, Winthrop's Journal, Hubbard's *Indian Wars*, and that author's *History of New England* and the *Two Voyages* of Josselyn, have already been referred to, and they should be again noted in this place, as should Dr. Palfrey's *History of New England* especially. Gorges' *Briefe Narration*, 1658, is most valuable as coming from the original proprietor himself. Its value is seriously impaired by its want of chronological order and of dates, and by its errors in date. In what condition the manuscript was left by its author, and to what extent the blemishes of the work are attributable to the editor or the printer, can never be known. Sir Ferdinando died in May, 1647. The work was written not long before his death, and was published some twelve years afterward, with two compilations by his grandson and the sheets of Johnson's *Wonder-Working Providence*.[3] Notwithstanding its blemishes, the

subsequently removed to New York, became an active member of the New York Historical Society, was minister at the Hague, and died in Rome, Italy, in 1869.

[1] Special mention should perhaps be made of the enumeration of Maine titles in the *Brinley Catalogue* no. 2,571, etc., and of several town histories published since Mr. Willis wrote his Catalogue, which in their treatment go back to the early period, namely, *History of Augusta*, by James W. North; *History of Brunswick*, etc., by G. A. Wheeler and H. W. Wheeler, 1878; *History of Castine*, by G. A. Wheeler, Bangor, 1875; *History of Bristol, Bremen, and Pemaquid*, by John Johnston, Albany, 1873; *History of Ancient Sheepscot and New Castle*, by David Q. Cushman, Bath, 1882. Most of the local historical literature can be picked out of F. B. Perkins's *Check-List of American Local History*.

A volume entitled *Papers relating to Pemaquid*, collected from the archives at Albany by Franklin B. Hough, was printed at Albany in 1856. They relate to the condition of that part of the country when under the colony of New York, and are of great value. Cf. also Mr. Hough's contributions in the *Maine Hist. Coll.*, v. and vii. 127. Pemaquid as a centre of historical interest is also illustrated in J. W. Thornton's *Ancient Pemaquid;* in Johnston's papers in his *History of Bristol*, etc.; in the *Popham Memorial Volume*, p. 263; in *Maine Hist. Coll.*, vol. viii.; Vinton's *Giles Memorial*, 1864; *Historical Magazine*, i. 132; *N. E. Hist. and Geneal. Reg.*, 1871, p. 131. [See also Vol. IV. of this History. — Ed.]

[2] [The early history of this society is told by Mr. Willis in an address printed in their *Collections*, vol. iv. Cf. also Note B at the end of chapter vi. of the present volume. — Ed.]

[3] This collection, entitled *America painted to the Life*, passes by the name of the *Gorges Tracts*. There are copies in Harvard College Library, and noted in the *Carter-Brown Catalogue*, ii. 127; *Brinley Catalogue*, nos. 308, 2,640 ($225.) Cf. Sabin's *Dictionary*, vii. 348; Rich's *Catalogue*, no. 314; *Mass. Hist. Soc. Proc.*, xviii. 432, and xix. 128; Stevens's *Historical Collections*, vol. i. no. 247. The relations of Gorges and Champernoun

tract has great value; but it should be read in connection with other works which furnish unquestionable historical data.

The *Memorial Volume of the Popham Celebration*, Aug. 20, 1862 (Portland, 1862), contains a good deal of historical material; but a large part of it was, unfortunately, prepared under a strong theological and partisan bias. In its connection with the settlement at Sabino, it has been mentioned in an earlier chapter.

A valuable historical address was delivered at the Centennial Exhibition at Philadelphia, Nov. 4, 1876, by Joshua L. Chamberlain, President of Bowdoin College, entitled *Maine, Her Place in History*, and was published in Augusta in 1877.

New Hampshire. — New Hampshire was probably first settled by David Thomson, in the spring of 1623. The original sources of information concerning him are the *Records* of the Council for New England; a contemporaneous indenture, 1622, recently found among the Winthrop Papers, and since published; Winslow's *Good News*, London, 1624, p. 50; Bradford's *Plymouth Plantation*, p. 154; Hubbard's *New England*, pp. 89, 105, 214, 215; Levett's Voyage [1] to New England in 1623/24; Pratt's Narrative, in 4 *Mass. Hist. Coll.*, iv. 486, and Gorges' *Briefe Narration*, p. 37. All these authorities are summarized by the present writer in a note, on page 362 of *Mass. Hist. Soc. Proc.*, May, 1876, to a paper on "David Thomson and the Settlement of New Hampshire."

For the settlement of the Hiltons on Dover Neck, and for the later history of the town, see *Records* of the Council; Hubbard; a Paper on David Thomson in *Mass. Hist. Soc. Proc.*, as above; 1 *Mass. Hist. Coll.*, iii. 63; *Provincial Papers of New Hampshire*, i. 118, and the authorities (A. H. Quint and others) there cited; cf. Mr. Hassam's paper in *N. E. Hist. and Geneal. Reg.*, January, 1882, p. 40; Winthrop's Journal, i. 276.

For the doings of the Laconia Company, and the settlement of Portsmouth, see Belknap's *New Hampshire*, who errs respecting the Laconia patent and the date of the operations of the Company; Hubbard as above; *Provincial Papers*, where the extant Laconia documents are printed at length; Jenness's *Isles of Shoals*, 2d ed., New York, 1875, and his privately printed (1878) *Notes on the First Planting of New Hampshire;* the paper on David Thomson, as above; Adams's *Annals of Portsmouth; N. E. Hist. and Geneal. Reg.*, ii. 37.

For the history of the settlements of Exeter and Hampton see Belknap, as above; and cf. Farmer's edition, who holds to the forgery of the Wheelwright deed of 1629; *Provincial Papers* as above, pp. 128–153. For a discussion of the genuineness of the Wheelwright deed, it will be sufficient, perhaps, to refer to Mr. Savage's argument against it in Winthrop's Journal, i. Appendix, which the present writer thinks unanswerable, and Governor C. H. Bell's able defence of it in the volume of the Prince Society on John Wheelwright.[2]

are discussed by C. W. Tuttle in *N. E. Hist. and Geneal. Reg.*, 1874, p. 404. See further on Champernoun in Ibid., 1873, p. 147; 1874, pp. 75, 318, 403. There is an account of Gorges' tomb at St. Bordeaux in the *Magazine of American History*, August, 1882; and notes on his pedigree, in *N. E. Hist. and Geneal. Reg.*, 1861, p. 17; 1864, p. 287; 1872, p. 381; 1877, pp. 42, 44, 112. — Ed.]

[1] [Captain Christopher Levett. His account was published in London in 1628. The reprint in 3 *Mass. Hist. Coll.*, viii. 164, was made from a copy got in England by Sparks. The Maine Historical Society reprinted it in their *Collections*, ii. 73 (1847); and the copy in the New York Historical Society's Library was then considered to be unique. The *Huth Catalogue*, iii. 843, and *Carter-Brown Catalogue*, ii. no. 338, show original copies. — Ed.]

[2] [The principal contestants may be thus divided: —

Pro, — *New Hampshire Historical Collections*, i.; Bell's *Wheelwright;* cf. *N. E. Hist. and Geneal. Reg.*, 1869, p. 65.

Con, — Farmer's *Belknap;* Savage's *Winthrop;* Palfrey's *New England;* and, besides Mr. Deane, the recorded opinions of Dr. Bouton, Mr. C. W. Tuttle, Mr. J. A. Vinton; cf. *N. E. Hist. and Geneal. Reg.*, 1868, p. 479; 1874, pp. 343, 477; and *Historical Magazine*, i. 57; and also a letter of Colonel Chester in the *Register*, 1868, p. 350.

The deed is printed in the *Provincial Papers*,

Concerning the several patents issued by the Council to cover the territory of New Hampshire, or parts of it, which afterward appeared in history, one was made to John Mason, of Nov. 7, 1629, of territory between the Merrimac and Piscataqua, which, "with consent of the Council, he intends to name New Hampshire" (Mason was governor of Portsmouth co. Hants). This grant[1] was printed in Hazard, vol. i., from "New Hampshire files," and is in *Provincial Papers*, i. 21. The Laconia grant of Nov. 17, 1629, to Gorges and Mason, was the basis of a trading company, as we have already seen, and those associates took out a new patent, Nov. 3, 1631, of land near the mouth of the Piscataqua. The Laconia patent is in Massachusetts Archives, and is printed in *Provincial Papers*, i. 38. The second grant is printed in Jenness's *Notes*, above cited, Appendix ii. Hilton's patent of Dover Neck, or wherever it may have extended, of March 12, 1629/30, is cited in the Council *Records*, and is printed *in extenso* in Jenness's *Notes*, Appendix i., which also should be read for a discussion relative to its boundaries.[2] At the grand division in 1635 Mason had assigned to him the territory between Naumkeag and Piscataqua, dated April 22, "all which lands, with the consent of the Counsell, shall from henceforth be called New Hampshire." Hazard (i. 384) printed the grant from the "records of the Province of Maine," and it is also printed in *Provincial Papers*, i. 33. Mason never improved this grant. All his operations in New Hampshire, or Piscataqua, as the place was called, was as a member of the unfortunate Laconia Company. He died soon after this last grant was issued, and bequeathed the property ultimately to his grandchildren John and Robert Tufton, whose claims were used to annoy the settlers on the soil who had acquired a right to their homesteads by long undisputed possession.[3]

After the union of the New Hampshire towns with Massachusetts, their history forms part of the history of that colony, and the *General Court Records* may be consulted for information. John S. Jenness's *Transcripts of Original Documents in the English Archives relating to New Hampshire*, privately printed, New York, 1876, is a volume of great value. An early map of Maine and New Hampshire, of about the period of 1655, is prefixed to the book. The Appendix to Belknap's *New Hampshire* also contains documents of great value. The *Collections* of the New Hampshire Historical Society, consisting of eight volumes, 1824–1866, are rich in material relating to the State; and the three volumes of *Collections* published by Farmer and Moore,[4] 1822–1824, in semi-monthly and

i. 56. Cotton Mather's original letter regarding it, dated March 3, 1708, is noted in the *Brinley Catalogue*, no. 1,329. Belknap has printed it, and it is also in the *N. E. Hist. and Geneal. Reg.*, 1862, p. 349. — Ed.]

[1] Mason made no use of this grant; and no use had been made of his grant of Mariana, of March 9, 1621/22, and that to him and Gorges of Aug. 10, 1622; Hubbard's *New England*, p. 614.

[2] [Governor Bell discovered in 1870 what is known as the Hilton or Squamscott patent, of March 12, 1629, and it is printed in the *N. E. Hist. and Geneal. Reg.*, 1870, p. 264; it was found not to agree as to its bounds with Piscataqua patent. Jenness, in his *Notes*, contends that Wiggin set up the title of Massachusetts to the territory under the 1628/29 charter. It was the conclusion of Mr. C. W. Tuttle (a studious explorer of New Hampshire history, who died July 18, 1881; cf. *Mass. Hist. Soc. Proc.*, xix. 2, 11) that Bloody Point, being included in both grants, became the cause of the trouble between Neale and Wiggin, as told by Hubbard. — Ed.]

[3] Mason's will, or a long extract from it, may be seen in Hazard, i. 397–399, dated Nov. 26, 1635; also in *Provincial Papers*. These papers last named are a publication of the State. The Rev. Dr. Nathaniel Bouton, between 1867 and 1876, completed ten volumes of Papers. They contain nothing before 1631; few from 1631 to 1686. Most of the original papers between 1641 and 1679 are in the *Massachusetts Archives*. The papers of interest in the present connection are in vols. i. and ii. The series has since been resumed under another editor, with the publication (1882) of the first part (A to F) of documents relating to towns, 1680–1800. Very few of the papers, however, are before 1700. Colonel A. H. Hoyt's "Notes, Historical and Bibliographical, on the Laws of New Hampshire," are in *Amer. Antiq. Soc. Proc.*, April, 1876. Like most of the patents issued at the grand division, Mason's grant included ten thousand acres more of land on the southeast part of Sagadahoc, "from henceforth to be called by the name of Massonia."

[4] [John Farmer (1789–1838) and Jacob B. Moore (1797–1853). Each did much for New Hampshire history. For an account of Farmer,

then in monthly numbers, should not be overlooked; nor should the *Collections* of the Massachusetts Historical Society.

Of the general histories, that of Dr. Belknap is the first and the only considerable *History of New Hampshire*, Philadelphia and Boston, 1784–92, 3 vols. The work early acquired the name of "the elegant History of New Hampshire," which it deserved. As a writer, Dr. Belknap's style was simple and "elegant." Perhaps after Franklin he was the best writer of English prose which New England had produced; and there has been since little improvement upon him. He had the true historical spirit, and was a good investigator.[1] He fell into an error respecting some of the early grants of New Hampshire, and the early part of his History needs revision. He probably never doubted the genuineness of the Wheelwright deed; but John Farmer, the editor of a new edition (1831) of his work, believed that document to be a forgery, and made his book to conform to this idea, though other errors were not corrected. Palfrey's *New England* is of the first authority here after Belknap.[2]

CONNECTICUT. — "*Quinni-tuk-ut*, 'on long river,' — now *Connecticut*,—was the name of the valley, or lands on both sides of the river. In one early deed (1636) I find the name written *Quinetucquet;* in another of the same year, *Quenticutt*." [3]

The name "Connecticut," as designating the country or colony on the river of that name, was used by Massachusetts in their commission of March 3, 1635/36,[4] and it was early adopted by the colonists.[5]

Quinnipiac, — the Indian name of New Haven, written variously, and by President Stiles, on the authority of an Indian of East Haven, *Quinnepyooghq*, — is probably "long-water place." [6] The name New Haven was substituted by the Court Sept. 5, 1640.[7]

The first English settlement was made by the Plymouth people at Windsor in October, 1633, when they sent out a barque with materials for a trading-house, and set it up there against the remonstrances of the Dutch, who had themselves established a trading-house at Hartford some time before.[8] The history of this business is well told by Bradford

see *N. E. Hist. and Geneal. Reg.*, i. 12, 15. He published a first volume (Dover, 1831) of a projected new edition of Belknap's *History of New Hampshire*, from a copy "having the author's last corrections." Moore was the father of the well-known historical student, Dr. George H. Moore, of the Lenox Library. — ED.]

[1] [Cf. C. K. Adams, *Manual of Historical Literature*, p. 549. Mention has been made elsewhere of the Belknap Papers; cf. *Mass. Hist. Soc. Proc.*, March, 1858. — ED.]

[2] [The reports of the Adjutant-General of the State, 1866 and 1868, contained Mr. Chandler E. Potter's *Military History of New Hampshire*, from 1623 to 1861, issued separately at Concord in 1869. The histories by Whiton (1834) and Barstow (1853) are of minor importance.] There are many valuable histories of separate towns in New Hampshire, and I cannot do better than refer to the "Bibliography of New Hampshire," in Norton's *Literary Letter*, new series, no i. pp. 8–30, by S. C. Eastman. [A current periodical, *The Granite Monthly*, is devoting much space to New Hampshire history; cf. Sabin, vol. xiii. no. 37,486, etc. — ED.]

[3] J. Hammond Trumbull, in *Conn. Hist. Soc. Coll.*, ii. 8. [Dr. Trumbull has compassed a large part of the field of the Indian nomenclature of Connecticut in his *Indian Names of Places : . . in Connecticut, etc.*, Hartford, 1881. The fortunes of the natives of this colony have been traced in J. W. De Forest's *History of the Indians of Connecticut* (with a map of 1630), of which there have been successive editions in 1850, 1853, and 1871. Of Uncas, the most famous of the Mohegan chiefs, there is a pedigree, as made out in 1679, recorded in the *Colony Records*, Deeds, iii. 312, and printed in *N. E. Hist. and Geneal. Reg.*, 1856, p. 227. The will of his son Joshua is in Ibid., 1859, p. 235. An agreement which Uncas made in 1681 with the whites is in the *Public Records*, i. 309, and in *Mass. Hist. Soc. Proc.*, x. 16. The warfare in 1642 between Uncas and Miantonomo, the chief of the Narragansetts, and which ended with the latter's death in captivity, the English approving, is described by Winthrop and Hubbard; also in Trumbull's *Connecticut*, chap. 7; Arnold's *Rhode Island*, chap. 4; Palfrey's *New England*, vol. ii. chap. 3; and it was the subject of an historical address in 1842 by William L. Stone, called *Uncas and Miantonomo*. — ED.]

[4] *Massachusetts Colonial Records*, i. 170.

[5] See *Connecticut Colonial Records*, i. 4.

[6] J. Hammond Trumbull, as above, p. 15.

[7] *New Haven Records.*

[8] [Block, in 1614, had been the first to explore the river for the Dutch; and both O'Callaghan

(pp. 311–314), with whose narrative compare Winthrop (pp. 105, 181) and Hubbard (pp. 170, 305 *et seq.*).

The story of the settlement of the three towns on the Connecticut River by emigrants from Massachusetts is told by Winthrop, *passim*, and by Trumbull; and the *Records* of Massachusetts show the orders passed in relation to their removal, and define their political status during the first year of the settlement, and indeed to a later period. The Connecticut *Colonial Records* give abundant information as to their political relations until the arrival of the Winthrop charter of 1662, when, after some demurring on the part of New Haven, the two small jurisdictions were merged into one.[1] A spirited letter from Mr. Hooker to Governor Winthrop of Massachusetts, written in 1638, disclosing his suppressed feelings towards some in the Bay Colony for alleged factious opposition to the emigration to Connecticut, may be seen in *Conn. Hist. Soc. Coll.*, i. 3–18. What is called the original Constitution of Connecticut, adopted by the three towns Jan. 14, 1638/39, may be seen in the printed *Colonial Records*, i. 20–25.[2]

The story of John Winthrop's second arrival from England, in October, 1635, with a commission from Lord Say and Sele, and Lord Brook and others, and with £2,000 in money, to begin an independent settlement and erect a fortification near the mouth of the Connecticut River, and to be governor there for one year, is told in Winthrop's Journal (i. 170, 173); and is repeated in full by Trumbull, vol. i. Possession was taken in the following month. The patent to Lord Say and others, which was the basis of this movement, is known as the "old patent of Connecticut," and may be seen, with Winthrop's commission, in Trumbull's *History*, vol. i., both editions. It purports to be a personal grant from the Earl of Warwick, then the President of the Council for New England, bearing date March 19, 1631 (1632 N.S.). Although the authority by which the grant is made is not given in the document itself, as is usually the case, it has been confidently asserted that the Earl of Warwick had received the previous year a patent for the same territory from the Council for New England, which was subsequently confirmed by the King.[3] The grant was interpreted to convey all the territory lying west of the Narragansett River, one hundred and twenty miles on the Sound, thence onward to the South Sea.[4]

(*New Netherland*, i. 169) and Brodhead (*New York*, i. 235) set forth the prior right of the Dutch; cf. *N. E. Hist. and Geneal. Reg.*, vi. 368. — Ed.]

[1] [Roger Wolcott celebrated Winthrop's agency in London, in 1662, in a long poem, which was printed in Wolcott's *Poetical Meditations*, London, 1725, and in *Mass. Hist. Soc. Coll.* Cf. *Carter-Brown Catalogue*, iii. 369; *Brinley Catalogue*, no. 2,134. — Ed.]

[2] It had been printed by Trumbull in 1797, in the Appendix to the first edition of his *History*, i. 528–533; and is repeated in the second edition, 1818; cf. Dr. J. H. Trumbull's *Historical Notes on the Constitutions of Connecticut*, 1639–1878, published in 1873. Hinman published a collection of *Letters of the Kings of England to the Successive Governors* (1635–1749).

[3] Douglass's *Summary*, ii. 160; Neal's *New England*, 2d ed., i. 163; Trumbull's 2d ed. 1818, i. 21; Hubbard, p. 310.

[4] Trumbull, i. 28, from manuscripts of President Clap. This old Connecticut patent has always been a mystery. Some of the colonists of the Winthrop emigration to Massachusetts in 1630 were unfavorably impressed on their arrival with the place selected for a plantation. The sad mortality of the preceding winter was appalling, and they began to cast their thoughts on a more southerly spot than Massachusetts Bay. In a letter of John Humfrey, written from London, Dec. 9, 1636, in reply to one just received from his brother-in-law, Isaac Johnson, from the colony, he says, in speaking of Mr. Downing: "He is the only man for Council that is heartily ours in the town; and yet, unless you settle upon a good river and in a less snowy and cold place, I can see no great edge on him to come unto us." Further on he says, "My Lord of Warwick will take a patent of that place you writ of for himself, and so we may be bold to do there as if it were our own." (4 *Mass. Hist. Coll.*, vi. 3, 4.) No further hint is given as to the location of Warwick's intended grant, and we have no contemporaneous record of any patent having been taken by him at this time or later. The Earl was a great friend of the Puritans. It was through him that the Massachusetts patent was obtained; and the patent to the people of Plymouth was signed by him alone, but in the name of the Council, and sealed with their seal.

The title to Connecticut was contested. On

The first and second agreements with Fenwick, the agent of the proprietors, dated Dec. 5, 1644, and Feb. 17, 1646, were first printed by Trumbull.[1] The account of Fen-

the grand division of 1635, James, Marquis, afterward Duke, of Hamilton, received for his share the territory between the Connecticut and Narragansett rivers, and a copy of his feoffment was cited by Chalmers, as on record bearing date April 22, 1635, that being the date which all the grants of that final division bore. From a copy on the Connecticut files Mr. R. R. Hinman, Secretary of State, published the deed in a volume of ancient documents, at Hartford, in 1836. On the Restoration the heirs of the Duke, in a petition to the King, asked to "be restored to their just right," and their claim was, in 1664, laid by the King's commissioners before the Connecticut authorities. These in their answer set up, in the first place, the prior grant of Lord Say and Sele and others, which Connecticut, as they alleged, had "purchased at a dear rate," and which had been recently ratified and confirmed by the King in their new charter; then, secondly, a conquest from the natives; and, thirdly, they claimed thirty years' peaceable possession (Trumbull, i. 524, 530). At a period still later, the Earl of Arran, a grandson, applied to King William for a hearing; and when in a formal manner several patents were exhibited on the part of Connecticut, the Earl's final reply was, "that when they produced a grant from the Plymouth Council to the Earl of Warwick, it should have an answer." (Chalmers, pp. 299–301; Trumbull, i. 524.)

Some entries in the recently recovered records of the Council for New England tend to deepen the suspicion that the Earl of Warwick never received the alleged grant from that body. It is true that the records as preserved are not entire, and do not cover the year 1630, and for the year 1631 they begin at November 4. But some later entries are very significant. Under date of June 21, 1632, which is three months after the date of the grant to Lord Say and Sele and associates, is this entry: "The Secretary is to bring, against the next meeting, a rough draft in paper of a patent for the E. of Warwick, from the river of the Narrigants 10 leagues westward. Sir Ferd. Gorges will forthwith give particular directions for the said patent." At the next meeting, June 26, "The rough draft of a patent for the E. of Warwick was now read. His Lordship, upon hearing the same, gave order that the grant should be unto Rob. Lord Rich and his associates, A, B, etc. And it was agreed by the Council that the limits of the said patent should be 30 English miles westward, and 50 miles into the land northward, provided that it did not prejudice any other patent formerly granted." A committee was appointed to take further order respecting this patent, and there is no evidence that it was ever perfected or issued. This proposed grant, it will be seen, covered in part the same territory previously included in the grant above cited to Lord Say, Lord Brook, Lord Rich, and others by the Earl of Warwick himself.

Three days afterward some very singular orders were adopted by the Council, indicating that there had been a serious disagreement with the Earl, or that a feeling akin to suspicion, of which the Earl was the object, had found a lodgment in that body. The Earl being president, the meetings for some years had been held at "Warwick House in Holborne." At a meeting on the 29th of June, at which the Earl was not present, "It was agreed that the E. of Warwick should be entreated to direct a course for finding out what patents have been granted for New England." (Did not the Council keep a record of their grants?) Also, "The Lord Great Chamberlain and the rest of the Council now present sent their clerk unto the E. of Warwick for the Council's great seal, it being in his Lordship's keeping." Answer was brought that as soon as his man Williams came in he would send it. It was then voted that the meetings of the Council, which for some time, as I have already said, had been held at Warwick House, should hereafter be held at Captain Mason's House, in Fenchurch Street. But the seal was not then sent, and during the next five months two other formal applications were made for it. In the mean time and thence after the records indicate the Earl's absence from the meetings, and finally Lord Gorges was chosen President of the Council in his place.

The patent to Lord Say and Sele, it may be added, was never formally transferred to Connecticut. In the agreement of 1644/45 Fenwick conveyed the fort and lands on the river, and promised to convey the jurisdiction of all the lands between Narragansett River and Saybrook Fort, "if it come into his power," — which he seems never to have done, though the authorities of Connecticut claimed that they had paid him for it. For a long time the Connecticut authorities appear to have had no copy of this patent, for they were often challenged to exhibit it, and were not able to do so; though they say that a copy was shown to the commissioners

[1] First edition, vol. i. Appendix v. and vi. See also Ibid., i. 149, 507–510, edition of 1818, with which compare *Connecticut Colonial Records*, pp. 568, 573, 585.

wick's arrival in the colony, in 1639, with his family, and his settlement, and the naming of Saybrook, may be seen in Winthrop.[1]

The "Capital Laws," established by Connecticut, Dec. 1, 1642, the first "Code of Laws," and the court orders, judgments, and sentences of the General and Particular Courts, from 1636 to 1662, are printed in *Connecticut Colonial Records*.[2]

The contemporaneous accounts of the Pequot War have already been mentioned under "Massachusetts." What relates specially to Connecticut is largely told in the *Colonial Records*. Mason's narrative is by far the best of the original accounts which have been published. The dispute with Massachusetts respecting the division of the conquered territory; the allotments of the same to the soldiers; the account of the younger Winthrop's settlement in the Pequot country, and his claim to the Nehantick country by an early gift of Sashions, not allowed by the United Colonies, — may be seen in the records of Massachusetts and Connecticut, and in the records of the United Colonies.[3]

The account of the settlement of New Haven by emigrants from Masssachusetts — indirectly from the city of London, — in 1638; of their purchases of lands from the natives, and of the formation of their government, — church and civil, — may be seen in Winthrop,[4] and in *New Haven Colonial Records*.[5]

The Fundamental Articles, or Original Constitution, of the Colony of New Haven, June 4, 1639, which continued in force till 1665, was printed in Trumbull's *History*, vol. i., in 1797, in Appendix, no. iv., as also in the later edition, and in the *Colonial Records*, i. 11–17, in which volume the legislative and judicial history of the colony is recorded for many years. The orders of the General Court, the civil and criminal trials before the Court of Magistrates, with the evidence spread out on the pages of the record, and the sentences following, being, in criminal cases, based on the Laws of Moses, furnish an unpleasant exhibition; perhaps not more so, however, than other primitive colonies would have shown if their record of crimes had been as well preserved. From April, 1644, to May, 1653, the *Records* of New Haven jurisdiction are lost.

What is known as Governor Eaton's [6] Code of Laws was sent to London to be printed under the supervision of Governor Hopkins, who had returned to England a few years before; and an edition of five hundred copies appeared in 1656, under the title of *New Haven's Settling in New England*, etc. The code was first reprinted by Mr. Royal R. Hinman, at Hartford, in 1838, in a volume entitled *The Blue Laws of New Haven Colony*,

when the confederation of the colonies was formed, — then of course in the possession of Fenwick; and in 1648 it is referred to as having been recently seen. (Hazard, ii. 120, 123.) A transcript of this patent was found in London by John Winthrop, among the papers of Governor Hopkins, who died there in 1658. See *Connecticut Colonial Records*, pp. 268, 568, 573, 574.

[1] Vol. i. p. 306; cf. Trumbull, i. 110; Hutchinson, i. 100, 101.

[2] Vol. i. pp. 77–80, 509–563, 1–384. The twelve Capital Laws of the Connecticut Colony, established in 1642, were taken almost literally from the Body of Liberties of Massachusetts, established in 1641. The preamble to the code of 1650, the paragraph following it, and many, if not all, of the laws were taken from the Massachusetts Book of Laws published in 1649. A copy of the constitution of 1639 was prefixed to the Code. This was first printed in a small volume in 1822 at Hartford, by Silas Andrus, called *The Code of* 1650, *being a Compilation of the Earliest Laws and Orders of the General Court of Connecticut; also, the Constitution, or Civil Compact, entered into and adopted by the Towns of Windsor, Hartford, and Weathersfield, in* 1638–39, *to which is added some Extracts from the Laws and Judicial Proceedings of New Haven Colony commonly called Blue Laws*. There was an edition at Hartford in 1828, 1830, 1838, from the same plates; and in 1861 there appeared at Philadelphia *A Collection of the Earliest Statutes, Edited with an Introduction*, by Samuel W. Smucker.

[3] Cf. also Trumbull, i. chap. viii.; Caulkins, *New London*, pp. 27–50.

[4] Vol. i. pp. 259, 260, 404, 405.

[5] Vol. i. 1, *et seq.*; cf. Trumbull, i. chap. vi.; Hubbard, chap. xlii. See also Davenport's *Discourse about Civil Government in a New Plantation*, Cambridge, 1663, probably written at this early period; Leonard Bacon, *Thirteen Historical Discourses*, New Haven, 1839; and Professor J. L. Kingsley, *Historical Discourse*, New Haven, 1838.

[6] [Of Governor Eaton, the first governor of New Haven, there is a memoir by J. B. Moore in 2 *N. Y. Hist. Coll.*, ii. 467. — Ed.]

usually called Blue Laws of Connecticut, Quaker Laws of Plymouth and Massachusetts, etc.; and again, in 1858, at the end of the second volume of *New Haven Records*, from a rare copy in the Library of the American Antiquarian Society.[1] The "Articles of Con-

[1] A copy of the original edition is also in the Library of the Boston Athenæum, not quite perfect. Two copies were in the sale of Mr. Brinley's library in 1879, and they brought, one $380, the other, not perfect, $310. Dr. J. Hammond Trumbull, in his learned Introduction to his edition of *The True-Blue Laws of Connecticut and New Haven, and the False Blue Laws Invented by the Rev. Samuel Peters*, etc., Hartford, 1876, says: "Just when or by whom the acts and proceedings of New Haven Colony were first stigmatized as *Blue Laws* cannot now be ascertained. The presumption, however, is strong that the name had its origin in New York, and that it gained currency in Connecticut among Episcopalian and other dissenters from the established church, between 1720 and 1750" (p. 24). He thinks that "blue" was a convenient epithet for whatever "in colonial laws and proceedings looked over-strict, or queer, or 'puritanic'" (pp. 24, 27).

Mr. Peters, of course, did not invent the name. He says of these laws: "They consist of a vast multitude, and were very properly termed *Blue Laws*, i.e., *bloody laws*." In his *General History of Connecticut*, London, 1781, Peters gives some forty-five of these laws as a sample of the whole, "denominated *blue laws* by the neighboring colonies," which "were never suffered to be printed." The greater part of these probably never had an existence as standing laws or otherwise. The archives of the colony fail to reveal such, though we do not forget that the jurisdiction records for nine years are lost. Peters' laws have often been reprinted, and appear in Mr. Trumbull's volume above cited, along with authentic documents relating to the foundation of Connecticut and New Haven colonies, already referred to in this paper. (See Peters' *Connecticut*, pp. 63, 66; the *New-Englander*, April, 1871, art. "Blue Laws;" and *Methodist Quarterly Review*, January, 1878.)

It might be inferred from the conclusion of the titlepage (cited above) of the small volume published by Silas Andrus, at Hartford, in 1822, on bluish paper, bound in blue covers, with a frontispiece representing a constable seizing a tobacco taker, which was stereotyped and subsequently issued at different dates, that the book contained the Peters' laws; but what related to New Haven here were simply extracts of a few laws and court orders from the records. The Blue Laws of Peters were reprinted by J. W. Barber, in his *History and Antiquities of New Haven*, 1831, with a note in which the old story is repeated, that the term *blue* originated from the color of the paper in which the first printed laws were stitched. They were also printed by Mr. Hinman, formerly Secretary of the State of Connecticut, in 1838, in a volume already cited, along with other valuable documents relating to the colony, and with what he called the Blue Laws of Virginia, of Barbadoes, of Maryland, New York, South Carolina, Massachusetts, and Plymouth.

Peters' *Connecticut* (1781) is now a scarce book. The copy in the Menzies sale, no. 1,590, brought $125. Cf. *Brinley Catalogue*, no. 2,088, etc. The interest in this apocryphal history of Connecticut and in Peters' Blue Laws was revived in modern times by the publication in 1829 of a new edition of Peters' *History*, in 12mo., at New Haven, with a preface and eighty-seven pages of supplementary notes. The anonymous editor of the new edition was Sherman Croswell, son of the Rev. Harry Croswell, — a recent graduate of Yale College, who furnished the supplementary notes. Nearly all the type of this edition was set by the late Joel Munsell, then a young man just twenty-one years of age. Mr. Croswell subsequently went to Albany as co-editor with his cousin, Edwin Croswell, of the *Albany Argus*. (Joel Munsell, *Manuscript Note;* October, 1871.) Professor Franklin B. Dexter, of Yale College, writes me under date of Feb. 20, 1883, respecting the enterprise of publishing the new edition of Peters' *History:* "I have heard that the publisher, Dorus Clarke, used to say that he lost $2,000 by the publication. Sherman Croswell was a young lawyer then living here, a son of the Rev. Dr. Harry Croswell, and brother and classmate (Yale College, 1822) of the more gifted Rev. William Croswell, of the Church of the Advent in Boston. Sherman was born Nov. 10, 1802; removed to Albany in 1831, and became an editor of the *Argus* with his cousin, Edwin Croswell; returned to New Haven in 1855, and died here March 4, 1859. I have repeatedly heard that he edited this publication, though my authority has never been a very definite one. Munsell's note I should not hesitate to accept as far as this fact is concerned." Munsell inadvertently calls Sherman Croswell a brother of Edwin. A spurious edition of this book was published in New York in 1877, edited by a descendant of the author, S. J. McCormick. Cf. *Amer. Antiq. Soc. Proc.*, Oct. 22, 1877, and *N. E. Hist. and Geneal. Reg.*, 1877, p. 238.

But New Haven was not the only New England colony whose laws were satirized or burlesqued by those who did not sympathize with the strict ways of the Puritan. John Josselyn, who visited the Massachusetts Colony twice, in his account of the country published in 1674

federation" of the United Colonies of 1643, whose records are a mine of history in themselves, were prefixed to this code, and were here printed for the first time. The *Records* were first printed by Hazard in 1794, from the Plymouth copy, and they have more recently been reprinted by the State of Massachusetts in a volume of the *Plymouth Records*. Each colony had a copy of those records, but the only ones preserved are those of Plymouth and of Connecticut. The latter, containing some entries wanting in the former, are printed at the end of vol. iii. of the *Connecticut Colonial Records*.

The Quakers gave little disturbance to either of these colonies. While the people in Connecticut were divided with the "Half-Way Covenant" controversy, the Quakers, in July, 1656, made their appearance in Boston. The United Colonies recommended the several jurisdictions to pass laws prohibiting their coming, and banishing those who should come. Connecticut and New Haven took the alarm, and acted upon the advice given. New Haven subsequently increased the penalties at first prescribed, yet falling short in severity of the legislation of Massachusetts.[1]

The territorial disputes of Connecticut and New Haven with the Dutch at Manhados, which began early and were of long continuance, find abundant illustration in Trumbull's *History of Connecticut*, and in Brodhead's *History of New York*, and in the documentary history, of which the materials were procured by Brodhead, but arranged by O'Callaghan.[2]

The records of the two colonies show the ample provision made for public schools, and indicate a project entertained by New Haven as early as 1648 to found a college, — a scheme not consummated, however, till a later period.

The Winthrop charter of 1662, which united the two colonies, is in Hazard, ii. 597, taken from a printed volume of *Charters*, London, 1766. It had been printed at New London in 1750, in a volume of *Acts and Laws*, and is in a volume by Samuel Lucas, London, 1850. The charter bears date April 23, 1662. In an almanac of John Winthrop, the younger, for the year 1662, once temporarily in my possession, and now belonging to the Hon. Robert C. Winthrop, I noticed this manuscript note of the former owner, which I copied: "'This day, May 10, in the afternoon, the Patent for Connecticut was sealed." The orders, instructions, and correspondence relating to the procuring of this charter are printed in the *Colonial Records*, text and Appendix, and in Trumbull, vol. i., text and Appendix.[3]

professes to give some of the laws of that colony. Some of those cited by him are true, and some are false. Some were court orders or sentences for crimes. One is similar to a law in Peters' code: "For kissing a woman in the street, though in the way of civil salute, whipping or a fine" (p. 178). Of course there were at an early period in the colony instances of ridiculous punishments awarded at the sole discretion of the magistrate, of which the record in all cases may not be preserved, and it is hazardous to deny, for that reason, that they ever took place. The existence of standing laws are more easily ascertained. Josselyn (p. 179) refers the reader to "their Laws in print." During his second visit to Massachusetts (1663–1671) he could have seen the digest of 1649, and that of 1660. Of the first no copy is now extant, but the Connecticut code of 1650, first printed in 1822, was perhaps substantially a transcript of it. 3 *Mass. Hist. Coll.* viii. 214. Josselyn probably never examined either of the Massachusetts digests.

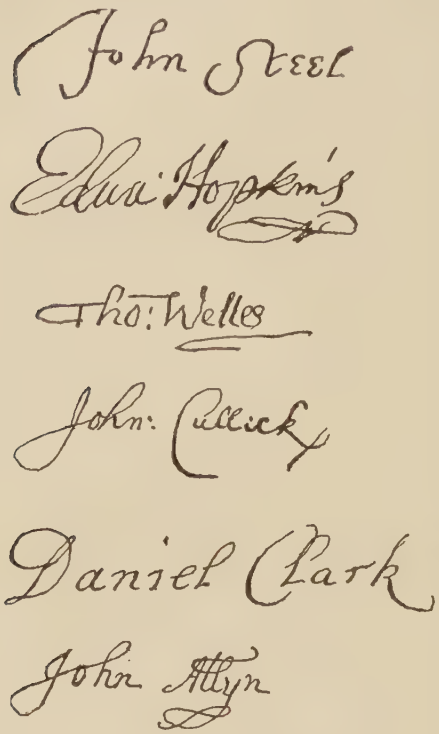
The notorious Edward Ward published, in 1699 a folio of sixteen pages, entitled *A Trip to New England*, etc. (Carter-Brown, ii. 1580.) A large part of it, where he speaks of "Boston and the Inhabitants," is abusive and scandalous. He enlarges upon Josselyn in the instance cited, whose book he had seen. Mr. Drake and Dr. Shurtleff, in their histories of Boston, both quote from it. No one would think of believing "Ned Ward," the editor of the *London Spy*, who was sentenced more than once to stand in the pillory for his scurrility; yet for all this he probably was as truthful, if not as pious, as Parson Peters of a later generation.

[1] See Trumbull, i. 297; *New Haven Colonial Records*, ii. 217, 238, 363; *Connecticut Colonial Records*, ii. 283, 303, 308, 324.

[2] [See chap. x. of the present volume, and chap. ix. of Vol. IV. — Ed.]

[3] See also Winthrop's letter in *Connecticut Historical Society's Collections*, i. 52, and Secretary Clarke's in *Mass. Hist. Soc. Proc.*, xi. 344. The earnest protest of New Haven against the union, till the time it really took place, may be seen in the records of that colony from 1662 to 1665.

The Restoration brought its anxieties as well as its blessings. The story of the shelter afforded to the regicides Whalley and Goffe, by New Haven, is an interesting episode. Dr. Stiles's volume, *A History of the Three Judges* [including Colonel Dixwell] *of King Charles I.*, etc. (Hartford, 1794), is a minute collection of facts, though not always carefully weighed and analyzed.[1]



COLONIAL SECRETARIES.[4]

The granting of the royal charter of 1662, which was followed next year by that to Rhode Island, brought on the long controversy with that colony as to the eastern boundary of Connecticut; and the revival of the claim of the heirs of the Duke of Hamilton — a claim more easily disposed of — added to the annoyances. The papers relating to these controversies may be seen in the *Colonial Records* of Connecticut, ii. 526–554, and of Rhode Island, ii. 70–75, 128.[2]

After the union, the earliest printed *Book of General Laws for the People within the Jurisdiction of Connecticut* was in 1673, — the code established the year before. It was printed at Cambridge.[3]

The authorities for the history of Philip's War — so disastrous to Massachusetts, Plymouth, and Rhode Island, but from which "Connecticut," says Trumbull, "had suffered nothing in comparison with her sister colonies" — have already been given under the head of "Massachusetts." Without citing special documents, it may be said that Trumbull's *History of Connecticut* and Palfrey's *New England* furnish abundant authority from this time down to the conclusion of the government of New England under Andros, and the narrative of each may be referred to as fitting, ample, and trustworthy. Trumbull's *History*, as an original authority, may well compare for Connecticut with Hutchinson's *History* for Massachusetts. The first volume (1630–1713) was published in 1797; and, although the titlepage to it reads "Vol. I.," the author says in the Preface to vol. ii., first printed in 1818 (1713–1764), that he never had any design of publishing another volume. The first volume was reprinted in 1818 as a companion to vol. ii.[5]

[1] See also Hutchinson, i. 213–220; the lecture on *The Regicides sheltered in New England*, Feb. 5, 1869, by Dr. Chandler Robbins, who used the new materials published in a volume of "Mather Papers" in 4 *Massachusetts Historical Society's Collections.*, vol. viii.; J. W. Barber's *History and Antiquities of New Haven*, etc., 1831.

[2] Cf. Trumbull, *History*, i. 524, 526, 362, 363; Arnold's *Rhode Island*, vol. i., *passim*; Palfrey, *New England*, vol. ii. [An elaborate monograph of the *Boundary Disputes of Connecticut*, by C. W. Bowen, Boston, 1882, covers the original claims to the soil, and the disputes with Rhode Island, Massachusetts, and New York. It is illustrated with the Dutch map of 1616, an Indian map of 1630, and various others. — Ed.]

[3] Copies are rare. A copy sold in the Brinley sale (no. 2,001) for $300. Mr. Brinley issued a private reprint of it, following this copy, in which he gave a fac-simile of the title and an historical introduction.

[4] [These secretaries held office consecutively: Steele, 1636–39; Hopkins, 1639–40; Wells, 1640–48; Cullick, 1648–58; Clark, 1658–63; Allyn, 1663–65. — Ed.]

[5] [Cf. C. K. Adams's *Manual of Historical Literature*, p. 552. The author was the Rev. Benjamin Trumbull, D.D. (b. 1735; d. 1820). The papers of Governor Jonathan Trumbull (b. 1710; d. 1785), bound in twenty-three volumes, are in

The *Records* of Connecticut for the period embraced in this chapter are abundant, and are admirably edited, with explanatory notes, by Dr. J. Hammond Trumbull, of Hartford, who has done so much to illustrate the history of his State, and indeed of New England.[1] I might add that Dr. Palfrey, in writing the *History of New England*, often had the benefit of Dr. Trumbull's learning in illustrating many obscure points in Connecticut history.[2]

The *New Haven Colony Records* end, of course, with the absorption of that colony by Connecticut. These are well edited, in two volumes (1638 to 1649, and 1653 to 1665), with abundant illustrations in the Appendix, by Charles J. Hoadly, M.A., and were published at Hartford in 1857–58.

The *Collections* of the Connecticut Historical Society have already been referred to.[3]

The New Haven Colony Historical Society is a separate body, devoted to preserving the memorials of that colony. It has issued three volumes of *Papers*.[4]

Among the general histories of Connecticut was one by Theodore Dwight, Jr., in Harper's Family Library, 1840; also another by G. H. Hollister, 2 vols., 1855, and enlarged in 1857. A condensed *History of the Colony of New Haven, before and after the Union*, by E. R. Lambert, was published at New Haven in 1838; and a more extensive *History of the Colony of New Haven to its Absorption into Connecticut*, by E. E. Atwater, was published in New Haven in 1881.[5] There are some town histories which, for the early period, have almost the character of histories of the State, — like Caulkins's *Norwich* (originally 1845; enlarged 1866, and again in 1874) and *New London* (1852); Orcutt and Beadsley's *Derby* (1642–1880); William Cothren's *Ancient Woodbury*, 3 vols., published in 1854–79; H. R. Stiles's *Ancient Windsor*, 2 vols., 1859-63. Barber's *Connecticut Historical Collections* is a convenient manual for ready reference.[6]

the library of the Massachusetts Historical Society; and the writer of the present chapter is the chairman of a committee preparing them for publication. Their chief importance, however, is for the Revolutionary period. The papers were procured in 1795, by Dr. Belknap, from the family of the Governor. One volume (19th) was burned in 1825. *Mass. Hist. Soc. Proc.*, i. 85, 393. — Ed.]

[1] [Dr. Trumbull's labors ceased, with the second volume after the union; when, beginning with 1689, the editorial charge was taken by Mr. Hoadly. — Ed.]

[2] Reference may here be made to a valuable note on the alleged incident, as related by Dr. Benjamin Trumbull in 1797, which has for so many years invested "The Charter Oak" with so much interest. See Palfrey, iii. 542–544. Vol. iii. of the *Colonial Records* contains a valuable official correspondence relating to this period, and also the "Laws enacted by Governor Andros and his Council," for the colony, in 1687.

[3] The first volume (1860) has reprints of Gershom Bulkeley's *The People's Right to Election . . . argued*, etc., 1869, following a rare tract of Mr. Brinley on *Their Majesties' Colony of Connecticut in New England Vindicated*, 1694. A second volume of *Collections* was issued in 1870.

[4] [The first, in 1865, contained a history of the colony, by Henry White; an essay on its civil government, by Leonard Bacon; and others on the currency of the colony, etc. In the second is a valuable sketch of the life and writings of Davenport, by F. B. Dexter, and some notes on Goffe and Whalley from the same source. The third includes J. R. Trowbridge, Jr., on "The Ancient Maritime Interests of New Haven;" Dr. Henry Bronson on "The early Government of Connecticut and the Constitution of 1639;" and F. B. Dexter on "The Early Relations between New Netherland and New England." — Ed.]

[5] It has a map of New Haven in 1641.

[6] [There is no considerable Connecticut bibliography of local history; and F. B. Perkins's *Check-List of American Local History* must be chiefly depended on; but the *Brinley Catalogue*, nos. 2,001–2,340, is very rich in this department. So also is Sabin's *Dictionary*, iv. 395, etc., for official and anonymous publications. There are various miscellaneous references in Poole's *Index*, p. 292. E. H. Gillett has a long paper on "Civil Liberty in Connecticut" in the *Historical Magazine*, July, 1868. Mr. R. R. Hinman's *Early Puritan Settlers of Connecticut* was first issued in 1846–48 (366 pages), and reissued (884 pages) in 1852–56. Cf. *N. E. Hist. and Geneal. Reg.*, 1870, p. 84. Savage's *Genealogical Dictionary of the First Settlers of New England*, however, is the chief source of genealogical information for the earliest comers. —Ed.]

RHODE ISLAND.[1] — The first published history of the colony of Rhode Island and Providence Plantations was an *Historical Discourse*, delivered at Newport in 1738, on the centennial of the settlement of Aquedneck, by John Callender, minister of that place, and printed at Boston the next year.[2]

Twenty-seven years afterward, — that is, in 1765, — there appeared in seven numbers of a newspaper (the *Providence Gazette*), from January 12 to March 30, "An Historical Account of the Planting and Growth of Providence." This sketch, written by the venerable Stephen Hopkins, then governor of the State, interrupted by the disastrous occurrences of the times, comes down only to 1645, and remains a fragment.[3]

A Gazeteer of the States of Connecticut and Rhode Island, with maps of each State, was published at Hartford in 1819, in 8vo, compiled by John C. Pease and John M. Niles. It furnished for the time a large amount of statistical and historical material. The work gives a geographical sketch of each county, with details of each town, and "embraces notices of population, business, etc., together with biographical sketches of eminent men."

"Memoirs of Rhode Island" were written by the late Henry Bull, of Newport, in 1832, and published in the *Rhode Island Republican* (newspaper) of that year.[4] *A Discourse embracing the Civil and Religious History of Rhode Island, delivered at Newport*, April 4, 1838, by Arthur A. Ross, pastor of a Baptist church at Newport, was published at Providence in the same year, and is full on the history of Newport.

In 1853 there was published in New York an octavo volume of 370 pages, entitled *History of Rhode Island*, by the Rev. Edward Peterson. "This book abounds in errors, and is of no historical value. It is not a continuous history, but is made up of scraps, without chronological arrangement."[5]

In 1859 and 1860 was published the *History of the State of Rhode Island and Providence Plantations*, by Samuel Greene Arnold, in two volumes,[6] — a work honorable alike to its author and to the State. While Mr. Arnold was writing this history, Dr. Palfrey was engaged upon his masterly *History of New England*. These writers differed somewhat in their interpretation of historical events and in their estimate of historical personages, and the student of New England history should read them both. The value of these works consists not only in the text or narrative parts, but also in the notes, which for the student, particularly in Dr. Palfrey's book, contain valuable information, in a small compass, upon the authorities on which the narrative rests.

The late George Washington Greene prepared *A Short History of Rhode Island*, published in 1877, in 348 pages, which formed an excellent compendium, much needed. It is compiled largely from Mr. Arnold's work.

"The Early History of Narragansett," by Elisha R. Potter, was published as vol. iii. of the *R. I. Hist. Soc. Coll.*, in 1835. It is a valuable collection of events, arranged in chronological order, and illustrated by original documents in an appendix.

[1] The official name of this State since 1663 is "Rhode Island and Providence Plantations." The Island of "Aquedneck," its Indian name, spelled in various ways, was so called till 1644, when the Court ordered that henceforth it be "called the Isle of Rhodes, or Rhode Island." It is said that Block, the Dutch navigator, in 1614, gave the island the name of "Roodt Eylandt," from the prevalence of red clay in some portions of its shores. There are traditions connecting the name with Verrazano and the Isle of Rhodes in Asia Minor, which require no further mention. See Arnold's *Rhode Island*, i. 70; *Rhode Island Colonial Records*, i. 127; Verrazano in 2 *N. Y. Hist. Coll.*, i. 46; Brodhead's *New York*, i. 57, 58; *Amer. Antiq. Soc. Proc.*, i. 367; J. G. Kohl, in *Magazine of American History*, February, 1883.

[2] In 1838 it was republished as vol. iv. of Rhode Island Historical Society's *Collections*, edited by Professor Romeo Elton, with notes, and a memoir of the author, and reissued in Boston in 1843; cf. *Carter-Brown Catalogue*, iii. 600.

[3] It was reprinted in 2 *Mass. Hist. Coll.*, ix. 166–203. It is called "inaccurate" by Bancroft.

[4] Cited by S. G. Arnold, *History of Rhode Island*, i. 124.

[5] Bartlett's *Bibliography of Rhode Island*, p. 204.

[6] [A second edition was published in 1874; cf. C. K. Adams's *Manual of Historical Literature*, p. 552. — ED.]

"The Annals of the Town of Providence from its First Settlement," etc., to the year 1832, by William R. Staples, was published, in 1834, as vol. v. of the *R. I. Hist. Soc. Coll.* The author says that the work does not assume to be a "history;" but it is a valuable and authentic record of events from the time of Roger Williams's settlement on the banks of the Mooshausic, in 1636, to the year 1832, illustrated by original documents, the whole making 670 pages.

I ought not to omit the mention of several addresses and discourses delivered before the Rhode Island Historical Society, some of which have considerable historical interest, as illustrating the principles on which it is claimed that Rhode Island was founded. Special mention may be made of the Discourse of Judge Pitman, that of Chief Justice Durfee, and that of the late Zachariah Allen.[1]

As Roger Williams is properly held to be the founder of the State of Rhode Island; and as many of his writings had become quite rare, a society was formed in 1865, called the "Narragansett Club," for the purpose of republishing all his known writings. Vol. i., containing Williams's *Key to the Indian Languages of America*, edited by Dr. J. Hammond Trumbull,[2] was issued in 1866; and vol. vi., the concluding volume, in which are collected all the known letters of Williams, in 1874. The volumes were published in quarto form, in antique style, and edited by well-known historical scholars, and are a valuable contribution to the personal history of Roger Williams and to the history of the controversy on religious liberty, of which he was the great advocate.[3]

The earliest publication of any of Williams's letters was by Isaac Backus, in his *History of New England*, etc., 1777, 1784, 1796, in three volumes, written with particular reference to the Baptists. It treats largely of Rhode Island history, and is a most authentic work.[4]

A series of *Rhode Island Historical Tracts*, beginning in 1878, has been issued by Sidney S. Rider, of Providence, each being a monograph on some subject of Rhode Island history. No. 4, on *William Coddington in Rhode Island Colonial Affairs*, is an unfavorable criticism on the conduct of Coddington in the episode known as "the Usurpation," by Dr. Henry E. Turner.[5] No. 15, issued in 1882, is a tract of 267 pages, on *The Planting and Growth of Providence*, by Henry C. Dorr. It is a valuable monograph, and would have been more valuable if authorities had been more freely cited.

One valuable source of the history of Rhode Island is the *Records* of the colony, and these have been made available for use by publication, under the efficient editorship of the Hon. John Russell Bartlett, for a number of years Secretary of State. To make up for the meagreness of the records in some places, the editor has introduced from exterior sources many official papers, which make good the deficiencies and abundantly illustrate the history of the times. The first volume was issued in 1856, and begins with the "Records of the Settlements at Providence, Portsmouth, Newport, and Warwick, from their commencement to their union under the Colony Charter, 1636 to 1647."

The early history of Providence is so intimately interwoven with the life of its founder, that some of the excellent memoirs of Roger Williams may be read with profit as histor-

[1] John Pitman's Discourse was delivered in August, 1836; Job Durfee's in January, 1847; and Zachariah Allen's in April, 1876; and another, by Mr. Allen, on "The Founding of Rhode Island," in 1881.

[2] The original edition of the *Key* was issued in London in 1643. *Brinley Catalogue*, no. 2,380. It is also reprinted in the *R. I. Hist. Soc. Coll.*, vol. i. See an earlier page under "Massachusetts."

[3] It was at first intended to republish also such of the writings of John Cotton, George Fox, and John Clarke as were connected with Roger Williams, to be followed by the writings of Samuel Gorton and Governor Coddington; but with the exception of two pieces by Cotton, edited by R. A. Guild, the publications of the Club have been limited to the writings of Williams.

[4] He published an abridgment in 1804, which was reprinted in Philadelphia, in 1844, with a memoir of the author, under the title of *Church History of New England*, from 1620 to 1804. Backus was born in 1724, and died in 1806.

[5] [Dr. Turner also read a paper — *Settlers of Aquedneck and Liberty of Conscience* — before the Historical Society, in February, 1880, which was published at Newport the same year. — ED.]

ical works. A *Memoir of Williams*, by Professor James D. Knowles, was published in 1834, and is a minute and conscientious biography of the man; but it is written with a strong bias in favor of Williams where he comes in collision with the authorities of Massachusetts.

A very pleasant memoir of Williams, by Professor William Gammell, based on that of Knowles, was published in 1845, in Sparks's *American Biography*, reissued the next year in a volume by itself. This memoir was followed in 1852 by *A Life of Roger Williams*, by Professor Romeo Elton, published in England, where the author then lived, and in Providence the next year. This is largely based on Knowles's memoir, but contains some new matter, notably the Sadlier Correspondence.

The original authorities for Williams's career in Massachusetts and Plymouth are Winthrop and Bradford and the controversial tracts of Cotton and Williams, from which bits of history may be culled. For a full presentation and discussion of the facts and principles involved in Williams's banishment from Massachusetts, and his alleged offence to the authorities there, see the late Professor Diman's Editorial Preface to Cotton's *Reply to Williams*, in the second volume of the Narragansett Club, above cited; Dr. George E. Ellis's Lecture on "The Treatment of Intruders and Dissentients by the Founders of Massachusetts," in *Lowell Lectures*, Boston, Jan. 12, 1869; Dr. Henry Martyn Dexter's *As to Roger Williams*, etc., Boston, 1876;[1] *Mass. Hist. Soc. Proc.*, for February, 1873, pp. 341–358; *North American Review* for January, 1858, art. xiii. p. 673.

In Dr. John Clarke's *Ill News from New England*, London, 1653,[2] being a personal narrative of the treatment, the year before, by the authorities of the Bay Colony, of Obadiah Holmes, John Crandall, and John Clarke, and an account of the laws and ecclesiastical polity of that colony, is a brief account of the settlement of Providence and of the island of Rhode Island.

An important episode in the early history of Rhode Island was the career of Samuel Gorton, who settled the town of Warwick. I have already mentioned, under the head of Massachusetts, the original books in which the story for and against him is told, — *Simplicitie's Defence*, written by Gorton, and *Hypocracie Unmasked*, by Edward Winslow. The former was republished in the *R. I. Hist. Soc. Coll.*, vol. ii., in 1835, edited by W. R. Staples, with a preface, notes, and appendix of original papers. Winslow's book, now very rare, has never been reprinted. A "Life of Samuel Gorton," by John M. Mackie, was published in 1845 in Sparks's *American Biography*. After Nathaniel Morton published his *New England's Memorial*, in 1669, containing some reflections on Gorton, the latter wrote a letter to Morton, dated "Warwick, June 30, 1669," in his own defence. Hutchinson had the letter, and printed an abridgment of it in the Appendix to his first

[1] [Dr. Dexter a few years since recovered a lost tract by Williams, *Christenings make not Christians*, 1645, which he found in the British Museum, and edited for Rider's *Historical Tracts*, no. 14, in 1881, adding certain of Williams's letters. Williams's letter to George Fox, 1672, in his controversy with the Quakers, is printed in the *Historical Magazine*, ii. 56. — Ed.]

[2] [Sabin's *Dictionary*, iv. 106; *Menzies Catalogue*, no. 392; *Carter-Brown Catalogue*, vol. ii. no. 729. It was reprinted in 4 *Mass. Hist. Coll.*, ii. pp. 1–113. Thomas Cobbett's *Civil Magistrates' Power in Matters of Religion modestly debated*, London, 1653, was in part an answer to this "slanderous pamphlet" (*Prince Catalogue*, no. 97–54). The character of Clarke and the influence of his mission to England, wherein he procured the revocation of William Coddington's commission as governor, gave rise to a controversy between George Bancroft and Josiah Quincy in relation to the misapprehension of Grahame on the subject in his *History of the United States*; cf. *Historical Magazine*, August, 1865 (ix. 233), and the references noted in the *Mass. Hist. Soc. Proc.*, ii. 339. Coddington (of whom there is an alleged portrait in the Council Chamber at Newport, —*N. E. Hist. and Geneal. Reg.*, 1873, p. 241) also had his controversy with the Massachusetts authorities, and his side of the question is given in his *Demonstration of True Love unto . . . the rulers of the Massachusetts, . . . by one who was once in authority with them, but always testified against their persecuting spirit*, which was printed in 1674. *Menzies Catalogue*, no. 422 ($36); *Carter-Brown Catalogue*, vol. ii. no. 1,101. See *Magazine of American History*, iii. 642; *N. E. Hist. and Geneal. Reg.*, April, 1882, p. 138. — Ed.]

volume. Some forty years ago or less, the original letter came into the possession of the late Edward A. Crowninshield, of Boston, and he allowed Peter Force to print it, and it appears entire in vol. iv. of Force's *Historical Tracts*, 1846.

The early settlers of Rhode Island had no patent-claim to lands on which they planted. The consent of the natives only was obtained. Williams's deed, so called, from the Indians, may be seen in vols. iv. and v. *R. I. Hist. Soc. Coll.*; and that to Coddington and his friends, of Aquedneck, is also in the Appendix to vol. iv. The parchment charter which Williams obtained from the Parliamentary Commissioners, dated March 14, 1643, is lost, but it had been copied several times, and is printed in vols. ii., iii., and iv., *R. I. Hist. Soc. Coll.* Some copies are dated erroneously March 17. See Arnold's *Rhode Island*, i. 114, note.

For a discussion of the "Narragansett Patent," so called, issued to Massachusetts, dated Dec. 10, 1643, see Arnold, i. 118–120; *Mass. Hist. Soc. Proc.* for February, 1862, pp. 401–406; and June, 1862, pp. 41–77.[1]

The original charter of Charles II., dated July 8, 1663, is extant. It was first printed as prefixed to the earliest digest of laws (Boston, 1719), and has been often reprinted.

The incorporation of Providence plantations under the charter of 1643/44 was delayed for several years, and took place in 1647, when a code of laws was adopted. This code was first printed in 1847, edited by Judge William R. Staples, in a volume entitled *The Proceedings of the First General Assembly of "the Incorporation of Providence Plantations," and the Code of Laws adopted by that Assembly in* 1647, *with Notes, Historical and Explanatory* (64 pages). The original manuscript of these laws is in a volume of the early records in the Secretary of State's office.

The earliest printed digest of laws, entitled *Acts and Laws*, was in 1719, — printed at Boston "for John Allen and Nicholas Boone."[2] In this, the following clause appears as part of a law purporting to have been enacted in March, 1663–64: "And that all men professing Christianity, and of competent estates and of civil conversation, who acknowledge and are obedient to the civil magistrate, though of different judgments in religious affairs (*Roman Catholics only excepted*), shall be admitted freemen, and shall have liberty to choose and be chosen officers in the colony, both military and civil." This same clause appears in the four following printed digests named above, and it remained a law of the colony till February, 1783, when the General Assembly formally repealed so much of it as related to Roman Catholics. Rhode Island writers consider it a serious reflection upon the character of the founders of the colony to assert that this clause was enacted at the time indicated; and one writer (Judge Eddy, in *Walsh's Appeal*, 2d ed., p. 433) thinks it possible that the clause was inserted in a manuscript copy of the laws sent over to England in 1699, without, of course, being enacted into a law. The clause, it is said, does not exist in manuscript in the archives of the colony, and is not in the manuscript digest of 1708, though Mr. Arnold, *History*, ii. 492, inadvertently says it is there. If the clause was originally smuggled in among the statutes of Rhode Island at a later period than the date assigned to it (see *R. I. Hist. Soc. Proc.*, 1872–73, p. 64), it was five times formally re-enacted when the several digests named above were submitted by their revising committees, and passed the General Assembly; and it remained a law till 1783.

In 1762, two persons professing the Jewish religion petitioned the Superior Court of the colony to be made citizens. Their prayer was rejected. The concluding part of the opinion of the court is as follows: "Further, by the charter granted to this colony it appears that the free and quiet enjoyment of the Christian religion and a desire of propagating the same were the principal views with which this colony was settled, and by

[1] [A copy of the charter is in the *Massachusetts Archives* (Miscellaneous, i. 135), and it is printed in the *N. E. Hist. and Geneal. Reg.*, 1857, p. 41. The discussion in the *Mass. Hist. Soc. Proc.* was by Mr. Deane and Colonel Thomas Aspinwall. The latter's contribution was also issued in Providence (2d ed.) in 1865, as *Remarks on the Narragansett Patent.* — Ed.]

[2] Other digests followed in 1730, 1745, 1752, and 1767.

a law made and passed in the year 1663, no person who does not profess the Christian religion can be admitted free of this colony. This Court, therefore, unanimously dismiss this petition, as wholly inconsistent with the first principles upon which the colony was founded and a law of the same now in force" (Arnold, *History*, ii. 492–495). Arnold says that previous to this decision several Jews and Roman Catholics had been naturalized as citizens by special acts of the General Assembly.

Has there not been a misapprehension as to the bearing of this law or clause disfranchising or refusing to admit to the franchise Roman Catholics and persons not Christians, and as to Roger Williams's doctrine of religious liberty? The charter of Rhode Island declared that no one should be "molested . . . or called in question for any differences of opinion in matters of religion." The law in question does not relate to religious liberty, but to the franchise. Rhode Island has always granted liberty to persons of every religious opinion, but has placed a hedge about the franchise; and this clause does it. Was it not natural for the founders of Rhode Island to keep the government in the hands of its friends while working out their experiment, rather than to put it into the hands of the enemies of religious liberty? How many shiploads of Roman Catholics would it have taken to swamp the little colony in the days of its weakness? Chalmers (*Annals*, p. 276) copied his extract of the law in question from the digest of 1730, as per minutes formerly belonging to him in my possession. As an historian where could he seek for higher authority? Indeed, the clause had already been cited by Douglass in his *Summary*, ii. 83, Boston, 1751; and by the authors of the *History of the British Dominions in North America*, part i. p. 232, London, 1773. The latter as well as Chalmers omitted the phrase "professing Christianity." But Chalmers was entirely wrong in his comments upon the clause where he says that "a persecution was immediately commenced against the Roman Catholics."[1]

EDITORIAL NOTES.

A. BIBLIOGRAPHICAL. — Rhode Island has been fortunate in its bibliographer. Mr. John Russell Bartlett, the editor of the State's early *Records*, issued at Providence, in 1864, his *Bibliography of Rhode Island, with Notes, Historical, Biographical, and Critical* (150 copies printed). Mr. Bartlett began a "Naval History of Rhode Island" in the *Historical Magazine*, January, 1870. As the adviser of the late Mr. John Carter Brown in the forming of what is now so widely known as the Carter-Brown Library, and as the cataloguer of its almost unexampled treasures, not only of Rhode Island, but of all American history, Mr. Bartlett has also conferred upon the student of American history benefits equalled in the labors of few other scholars in this department. Mr. Brown erected for himself in his Library a splendid monument. There may exist in the Lenox Library a rival in some departments of Americana, but Mr. Bartlett's Catalogue of the Providence Collection makes its richness better known. Mr. Brown began his collections early, and was enabled to buy from the catalogues of Rich and Ternaux. The Library is now so complete, and its *desiderata* are so few and so scarce, that it grows at present

[1] [Cf. Thomas T. Stone on *Roger Williams the Prophetic Legislator*, Providence, 1872. — ED.]

THE WINTHROP MAP (*Circa* 1633).

AMONG the Sloane manuscripts in the British Museum is one numbered "Add: 5,415, G. 3," whose peculiar interest to the American antiquary escaped notice till Mr. Henry F. Waters sent photographs of it to the Public Library in Boston in 1884, when one of them was laid before the Massachusetts Historical Society by Judge Chamberlain, of that Library (*Proceedings*, 1884, p. 211). It was of the size of the original, somewhat obscure, and a little deficient on the line where its two parts joined. At the Editor's request, Mr. Richard Garnett, of the British Museum, procured a negative on a single glass; and though somewhat reduced, the result, as shown in the accompanying facsimile, is more distinct, and no part is lost.

The map is without date. The topography corresponds in the main with that of the map which William Wood added to his *New England's Prospect* (London, 1634), so far as its smaller field corresponds, and suggests the common use of an earlier survey by the two map makers, — if, indeed, Wood did not depend in part on this present survey. That its observations were the best then made would seem clear from the fact that Governor Winthrop explained it by a marginal key, and added in some places a further description to that given by the draughtsman (as a change in the handwriting would seem to show, — for instance, in the legend on the Merrimac River), if indeed all is not Winthrop's. Who the draughtsman was is not known. There had been in the colony a man experienced in surveying, — Thomas Graves, — who laid out Charlestown, before Winthrop's arrival; but he is not known to have remained till the period of the present survey, which, if there has been nothing added to the original draught, was seemingly made as early as that given by Wood. This last traveller left New England, Aug. 15, 1633: and his description of the plantations about Boston at that time, which he professes to make complete, is almost identical with the enumeration on this map, though he gives a few more local names. Wood's map is dated 1634; but it seems certain that he carried it with him in August, 1633, — a date as late apparently as can be attached to the present draught.

The key added by Winthrop to the north corner of the map reads as follows: —

A: *an Iland cont*[*aining*] 100 *acres, where the Gouvenr hathe an orchard &a a vineyarde.*

B: *Mr Humfryes ferme* [*farm*] *house at Sagus* [*Saugus*].

Tenhills: the Gouernrs ferme [*farm*] *house.*

Meadford: Mr Cradock ferme [*farm*] *house.*

C: *the Wyndmill*
D: *the fforte* } *at Boston.*
E: *the Weere*

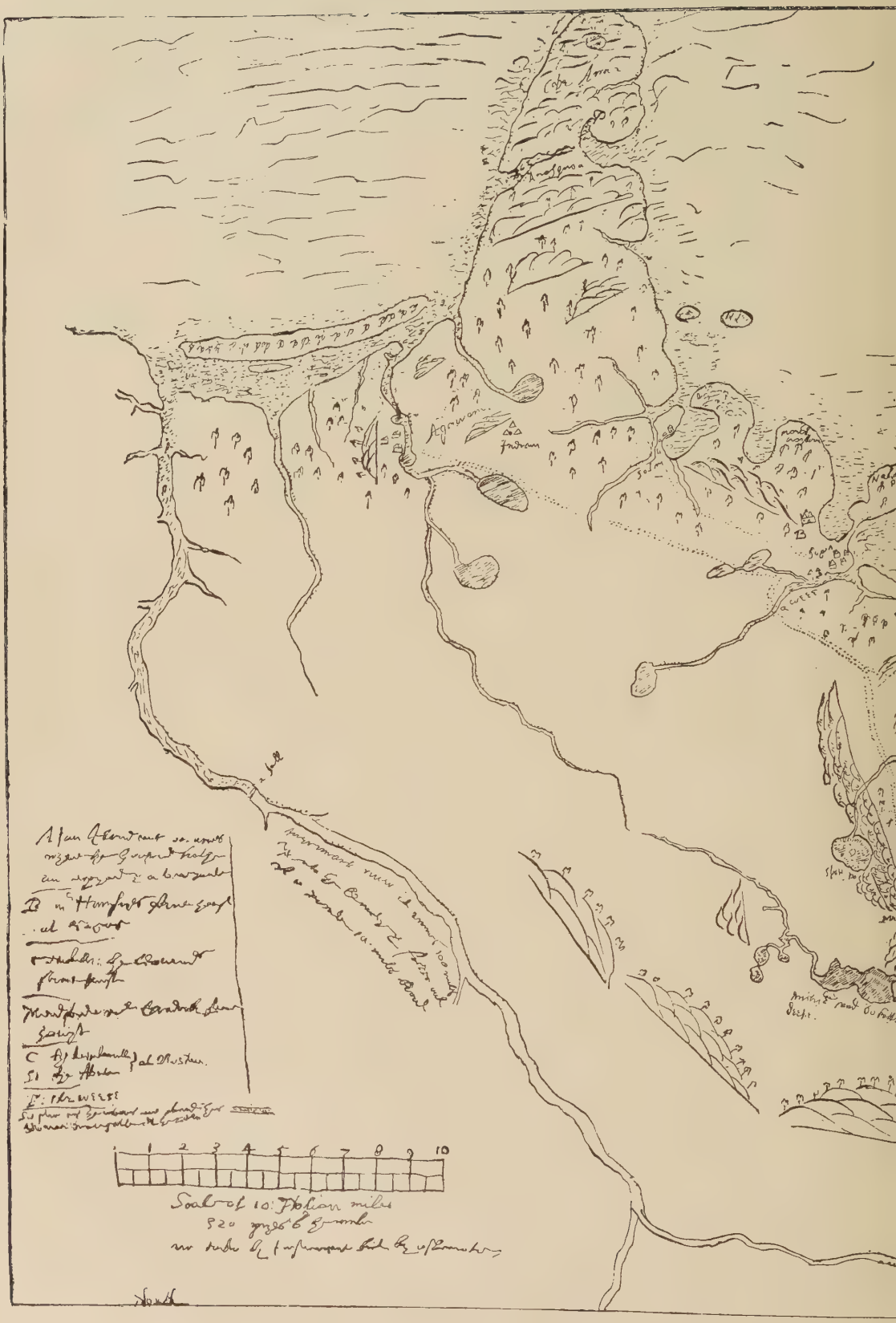
So far as the rivers are laid thus [*shaded*], *they are navigable wth the Tide.*

[SCALE.]

Scale of 10: *Italian miles*
320 *pches* [*perches*] *to the mile,*
not taken by Instrument, but by estimate.

In the north the Merrimac is shown to be navigable to *a fall.* The stream itself is marked *Merimack river; it runnes* 100 *miles up into the Country, and falles out of a ponde* 10 *miles broad.* It receives the *Musketaquit riuer* [Concord] just south of the scale. The long island near its mouth is Plum Island, but it is not named. The village of *Agawam* [Ipswich] is connected by roads [dotted lines] with *Sagus* [Saugus], *Salem*, *Winesemett*, and *Meadford*, which is called "Misticke" in Wood's text, but "Meadford" in his map. On *Cape Anne* peninsula *Anasquom* is marked. The bay between Marblehead and Marblehead Neck is called *Marble Harbour*, as by Wood in his map. *Nahant* is marked, as are also *Pulln Point*, *Deere I.*, *Hogg I.*, *Nottles I.* Governor's Island is marked *A.*, referring to the key. Charlestown is called *Char: towne. Spott Ponde* flows properly through Malden River, not named, into the Mystic; and *Mistick river* takes the water of a number of ponds. The modern Horn Pond in Woburn is not shown. The three small ponds near a hill appear to be Wedge Pond and others in Winchester; the main water is *Mistick pond*, 60 *fathoms deepe; horn ponde* is the modern Spy Pond; Fresh Pond is called 40 *fathom deepe.* Their watershed is separated by the Belmont hills, not named, from the valley of the Concord. The villages of *Waterton* and *Newtowne* [Cambridge] are marked on the *Charls River.* The peninsula of *Boston* shows Beacon Hill, not named, while *C* and *D* are explained in the key. *Muddy river* [Muddy Brook in Brookline] and *Stony river* [Stony Brook in Roxbury] are correctly placed. *Rocksbury* and *Dorchester* appear as villages. Hills are shown on Dorchester Neck, or South Boston. *Naponsett river* is placed with tolerable correctness. The islands in Boston Harbor are all represented as wooded. The *waye to Plimouth*, beginning at Dorchester, crosses the Weymouth rivers above *Wessaguscus* [Wessagussett]. Trees and eminences are marked on *Nataskette* [Hull], and Cohasset is called *Conyhassett.* The same sign stands for rocks in the Bay and for Indian villages on the land.

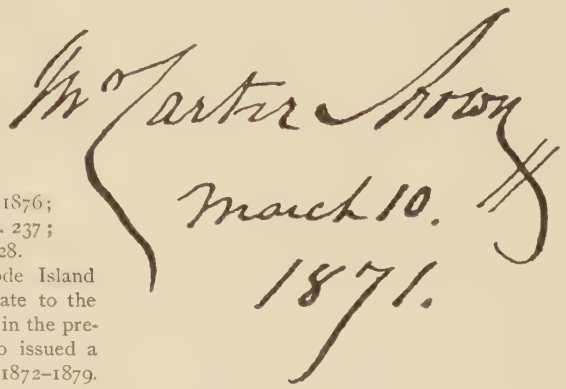
It may be well further to notice that since the printing of this volume *A Briefe Discription of New England*, 1660, by Samuel Maverick, has likewise been discovered in the British Museum by Mr. Waters, and is printed in the *Proceedings* of the Massachusetts Historical Society, October, 1884, and in the *New England Historical and Genealogical Register*, January, 1885. — ED.


1 2 3 4 5 6 7 8 9 10

but slowly. Mr. Brown, a son of Nicholas Brown, from whom the university in Providence received its name, was born in 1797, and died June 10, 1874. But fifty copies of the two sumptuous volumes (1482–1700) constituting the revised edition of the catalogue (there is a third volume, 1700–1800, in a first edition) have been distributed, and they are the Library's best history; but those not fortunate enough to have access to them will find accounts of it in the *Bibliotheca Sacra*, April, 1876; Rogers's *Libraries of Providence*; *N. E. Hist. and Geneal. Reg.*, April, 1876; *American Journal of Education*, xxvii. 237; *American Bibliopolist*, vi. 77, vii. 91, 228.

The several volumes of the Rhode Island Historical Society, so far as they relate to the period under examination, are noted in the preceding text; but the Society has also issued a volume of *Proceedings* for the years 1872–1879. Two supplemental publications of the Rhode Island antiquaries have been begun lately, — the *Newport Historical Magazine*, July, 1880, and the *Narragansett Historical Register*, July, 1882, James N. Arnold, editor, both devoted to southern Rhode Island.

B. EARLY MAPS OF NEW ENGLAND. — The cartography of New England in the seventeenth century began with the map of Captain John Smith in 1614 (given in chap. vi.), for we must discard as of little value the earlier maps of Lescarbot and Champlain. The Dutch were on the coast at about the same time, and the best development of their work is what is known as the "Figurative Map" of 1614, which was first made known in the *Documents relating to the Colonial History of New York*, i. 13, and in O'Callaghan's *New Netherland*. The part showing New England is figured in the *Memorial History of Boston*, i. 57. It had certain features which long remained on the maps, and its names became in later maps curiously mixed with those derived from Smith's map. It gave the Cape Cod peninsula (here, however, made an island) a peculiar triangular shape; it exaggerated Plymouth's harbor; it ran Martha's Vineyard and Nantucket into one, and divided Long Island into several parts. The marked feature of the interior was the bringing of the Iroquois (Champlain) Lake close down to the salt water, as Champlain had done in his map of 1612, and as he continued to do in his larger map of 1632. Blaeu, in his *Atlas* of 1635, while he copied the Figurative Map pretty closely, closed the channel which made Cape Cod an island, and gave the "Lacus Irocociensis" a prolongation in the direction of Narragansett Bay. De Laet, in 1630, had worked on much better information in several respects. Cape Cod is much more nearly its proper shape; and he had got such information from the Dutch settlements up the Hudson as enabled him to place Lake Champlain with fair accuracy. A fac-simile of De Laet's map is given in Vol. IV. chap. ix. Meanwhile the English had



enlarged Smith's plot, as the map given on an earlier page from Alexander and Purchas (*Pilgrimes*, iii. 853) shows. Champlain's plotting in 1632 of the great river of Canada could not, of course, have been known to this map-maker of 1624, while Lescarbot's was.

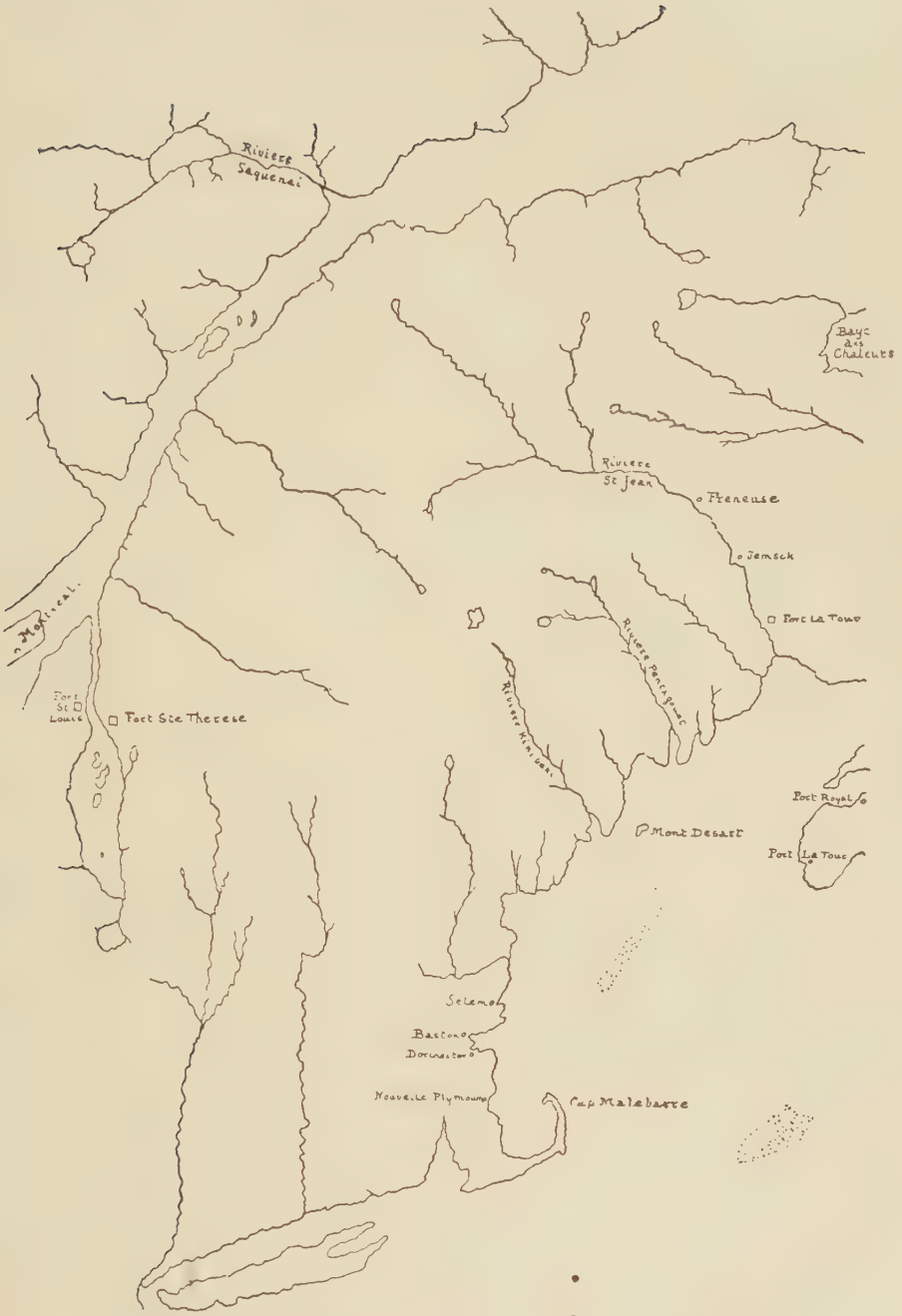
Pure local work came in with the map which accompanied Wood's *New England's Prospect*, which is called "The south part of New England as it is planted this yeare, 1634." It only shows the coast from Narragansett Bay to "Acomenticus," on the Maine shore, with a corresponding inland delineation. Buzzard's Bay is greatly misshapen; Cape Cod has something of the contemporary Dutch drawing; and, in a rude way, the watercourses lie like huge snakes in contortions upon the land. There are fac-similes of the map in Palfrey, i. 360; Young's *Chronicles of Massachusetts*, p. 389, and in other places noted in the *Memorial History of Boston*, i. 524. Two years later (1636), in Saltonstall's English version of the atlas of Mercator and Hondius, the English public practically got De Laet's map; and indeed so late as 1670, the map "Novi Belgii et Novæ Angliæ Delineatio," which is given alike in Montanus's *De Nieuwe en Onbekende Weereld* and in Ogilby's *America*, hardly embodied more exact information. The Hexham English version of the Mercator-Hondius Atlas, intended for the English market, but published in Amsterdam by Hondius and Jannson in 1636 (of which there is a fine copy in the library of the Massachusetts Historical Society), in its map of "Nova Anglia," etc., kept up the commingling of Smith's plot and names with the present Dutch ones. Blaeu's of 1635 was the prototype of the chart in Dudley's *Arcano del Mare* (1646), of which a fac-simile is given in the preceding chapter. For the next twenty years the Dutch plotting was the one in vogue.

NEW ENGLAND, 1650.[1]

Visscher, in 1652, disjoined the two principal islands south of Cape Cod, and gave a better shape to that peninsula; but Crane Bay (Plymouth) continued to be more prominent than Boston. The French map of Sanson (1656) so far followed the Dutch as to recognize the claims of "Nouveau Pays Bas" to stretch through Connecticut, Rhode Island, and Plymouth Colony, as shown in the sketch in chap. xi. The old Dutch mistakes and the Dutch names characterize Hendrick Doncker's *Paskaert*, in 1659, and other of the Hollanders' sea-charts of this time. In 1660, François du Creux's (Creuxius) *Historia Canadensis* converts into a Latin nomenclature, in a curious jumble, the names of the English, Dutch, and French. This map is given in fac-simile in Shea's *Mississippi*, p. 50, and also in Vol. IV. of the present work. The next year (1661) Van Loon's *Pascaerte* was based on Blaeu and De Laet, and his *Zee-Atlas*, though not recognized by Asher, represents the best knowledge of the time. There is a copy in Harvard College Library. There are other maps of Visscher of about this same time, in which Cape Cod becomes as excessively attenuated as it had been too large before. Of the later Dutch charts or maps, the chief place must be given to that in Roggeveen's Sea-Atlas, which is called in the

[1] This is a reduction of a sketch of a part of a manuscript Map of North America, dated 1650, of which a drawing is given in the *Massachusetts Archives; Documents Collected in France*, ii. 61. The key is as follows: —

1. Sauvages Hurons.
2. Lac des Iroquois [Lake Champlain].
3. Sauvages Iroquois.
4. Sauvages Malectites.
5. Sauvages Etechemins.
6. Pemicuit [Pemaquid].
7. Pentagouet.
8. Isle des Monts Deserts.
9. Baye de Kinibequi.
10. Sauvages Kanibas.
11. Caskobé [Casco Bay].
12. Pescadoué [Piscataqua].
13. Selem [Salem].
14. Baston [Boston].
15. Nova Anglia.
16. Sauvages Pequatis [Pequods].
17. Plymuth.
18. Cap Malabar.
19. Sauvages Narhicans [Narragansetts].
20. Isle de Bloque [Block Island].
21. Isle de Nantochyte [Nantucket].



NEW ENGLAND, 1680.[1]

English version *The Burning Fen*, and which still insists in calling the Cape Cod peninsula in 1675 a part of "Nieuw Holland," as does one of Jannson's of about the same date, in which Smith's names survive marvellously when those of other towns had long taken their places.

[1] This follows a manuscript French map preserved in the Depot des Cartes et Plans at Paris, as shown in a sketch by Mr. Poore in the *Massachusetts Archives; Documents Collected in France*, iii. 11.

A map, *La Nouvelle Belgique*, covering also New England, and fashioned on one of Jannson's, is annexed to an article, "Une Colonie Néerlandaise," by Colonel H. Wauwermans, in the *Bulletin de la Société Géographique d'Anvers*, iv. 173. The Blaeu map, "Nova Belgica et Anglia Nova," found in the Atlas of 1685, still preserves most of the older Dutch falsities; and that geographer made no one of these errors so conspicuous as he did in making still nearer than before the approach of "Lacus Irocociensis" to Narragansett Bay. A short dotted boundary-line is made to connect them, and he dispelled the old Dutch claim to south-eastern New England, by putting "Nieu Engelland" east of this line, and "Nieu Nederlandt" west of it. This map was substantially followed in Allard's *Minor Atlas*, of a few years later. A new English cartography sprang up when there came a demand for geographical knowledge, as the events of Philip's War engaged general attention. The royal geographer Speed issued in 1676 a map of New England and New York in his *Prospect;* but he seems to have followed Visscher and the other Dutch authorities implicitly, as did Coronelli and Tillemon in the New England parts of their map of Canada issued in 1688. Stevens, in his *Bibliotheca Geographica*, p. 229, notes an English map of New England and New York, which he supposes to belong to 1690, "sold by T. Bassett, in Fleet Street," which is seemingly enlarged from so early a Dutch map as De Laet's of 1625. The text of Josselyn's *Voyages* was used as the basis of *A Description of New England*, which accompanied in folio a folded plate, entitled "Mapp of New England, by John Seller, Hydrographer to the King." It is without date, but is mentioned in the *London Gazette* in 1676, and could not have appeared earlier than 1674, when Josselyn's book was printed. There is a copy in Harvard College Library; and it shows the coast from Casco Bay to New York, with a corresponding interior. These are precisely the bounds in the map which is given in Mather's *Magnalia* in 1702, and which seems, in parts at least, to have been drawn from Seller's. Sabin (*Dictionary*, vol. xiii. no. 52,629) gives *A Description of New England in general, with a Description of the Town of Boston in particular*, London, John Seller, 1682, 4to. Seller is also known to have issued a small sketch map in his *New England Almanac*, 1685 (copy in Harvard College Library); and still another, of which a fac-simile is given in Palfrey's *New England*, iii. 489. There is a map (5 × 4½ inches) of New England by Robert Morden in R. Blome's *Present State of his Majesty's Isles and Territories in America*, 1687, p. 210, which is based on Seller's, and which has been reproduced by the Bradford Club in their *Papers concerning the Attack on Hatfield and Deerfield*, New York, 1859. A different map, extending to New France and Greenland, is given in the Amsterdam editions of Blome, 1688 and 1715. Hubbard's map, accompanying his *Narrative of the Troubles in New England*, 1677, a rude woodcut, — the first attempt at such work in the colony, — extends only to the Connecticut westerly; but northerly it goes far enough to take in the White Hills, which in the London reissue of the map are called "Wine Hills." This is also given by Palfrey, iii. 155, after the London plate, and further notes upon it will be found in the *Memorial History of Boston*, i. 328. There is also a detailed delineation of the New England coast in John Thornton's *Atlas Maritimus*, 1701–21.

In this enumeration of the maps or charts which give New England, or any considerable part of it, on a scale sufficient for detail, it is thought that every significant draft is mentioned, though some repetitions, particularly by the Dutch, have been purposely omitted.

Modern maps of New England, which indicate the condition of this period, will be found in Palfrey's *New England*, vol. i., showing the geography of 1644, and in vol. iii. that of 1689; and in Uhden's *Geschichte der Congregationalisten*, Leipsic, 1840.

CHAPTER X.

THE ENGLISH IN NEW YORK, 1664–1689.

BY JOHN AUSTIN STEVENS.

THE trading spirit is not of itself sufficient to establish successful settlement, and monopolies cannot safely be intrusted with the government of colonies. The experience of the Dutch in the New Netherland established this truth, which later experience has fully confirmed.

Toward the middle of the seventeenth century Holland controlled the carrying trade of the world. Nearly one half of the tonnage of Europe was under her flag. Java was the centre of her East Indian enterprise, Brazil the seat of her West Indian possessions; and the seas between, over which were wafted her fleets, freighted with the rich products of these tropical lands, were patrolled by a navy hardy and brave. Yet it was at the very zenith of her power that her North American colony, which proudly bore the name of the Fatherland, was stripped from the home government at one trenchant blow.

The cause of this misfortune may be found in the weakness of the Dutch settlement compared with the more populous New England communities, which pressed, threatening and aggressive, on its eastern borders. Under the Dutch rule, New Netherland was never in a true sense a colony. Begun as a trading-post in 1621, and managed by the Dutch West India Company, it cannot be said ever to have got beyond leading-strings, and at the time when it fell into the hands of the English its entire population did not exceed seven thousand souls, while the English on its borders numbered not less than fifteen times as many.

Nor did the West India Company seem ever to comprehend that their hold upon the new continent could be maintained only by well-ordered and continuous colonization. Rapidly enriched by their intercourse with the natives of the sunny climes in which they established their strong posts for trade, they seem to have looked for no more from their posts on the North American coast, or to have had further ambition than to secure their share of the trade in furs, in which they were met by the active rivalry and greater enterprise of the French settlers on the Canadian frontier.

Yet the territory of New Netherland was by natural configuration the key of the northern frontier of the American colonies, and indeed, it may be said, of the continent. The courses of the Hudson and Mohawk form the sides of a natural strategic triangle, and with the system of northern lakes and streams connect the several parts of the broad surface which stretches from the mouth of the St. Lawrence on the Atlantic to the head-waters of the Columbia at the continental divide. This vantage-ground at the head of the great valleys through which water-ways give access to the regions on the slope below, was the chosen site of the formidable confederacy of the Iroquois, the acknowledged masters of the native tribes.

The English jealousy of the Dutch did not spring from national antipathy, but from the rivalry of trade. The insular position of England forced her to protect herself abroad, and when Protestant Holland, by enterprise and skill, drew to herself the commerce of both the Indies, her success aroused in England the same spirit of opposition, the same animosity, which had, the century before, been awakened by the aggrandizement of Catholic Spain. It was the Protestant Commonwealth of England which passed the Navigation Act of 1660, especially directed against the foreign trade of her growing rival of the same religious faith. In this act may be found the germ of the policy of England not only toward her neighbors, but also toward her colonies. This act was maintained in active force after the restoration of Charles II. to the throne. Strictly enforced at home, it was openly or secretly evaded only in the British American colonies and plantations. The arm of England was long, but her hand lay lightly on the American continent. The extent of coast and frontier was too great to be successfully watched, and the necessities of the colonies too many and imperious for them to resist the temptation to a trade which, though illicit, was hardly held immoral except by the strictest constructionists of statute law; and it was with the Dutch that this trade was actively continued by their English neighbors of Maryland and Virginia, as well as by those of New England. In 1663 the losses to the revenue were so extensive that the farmers of the customs, who, after the fashion of the period, enjoyed a monopoly from the King at a large annual personal cost, complained of the great abuses which, they claimed, defrauded the revenue of ten thousand pounds a year. The interest of the kingdom was at stake, and the conquest of the New Netherland was resolved upon.

This was no new policy. It had been that of Cromwell, the most sagacious of English rulers, and was only abandoned by him because of the more immediate advantages secured by his treaty with the Grand Pensionary, a statesman only second to Oliver himself. The expedition which Cromwell had ordered was countermanded, and the Dutch title to the New Netherland was formally recognized by the treaty of 1654. It seems rational to suppose that the English Protector foresaw the inevitable future fall of the Dutch-American settlement, hemmed in by growing English colonies

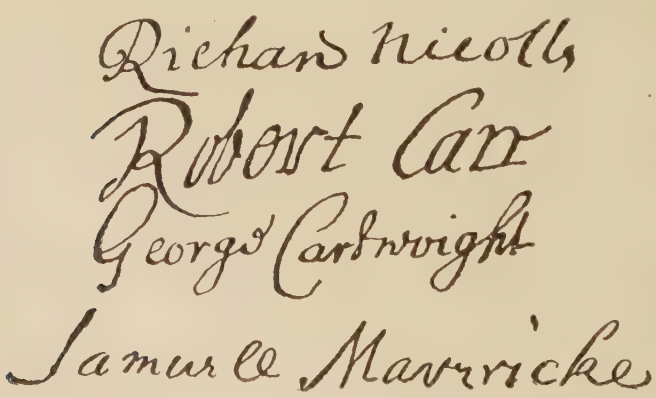
fostered by religious zeal, and that he was willing to wait till the fruit was ripe and of easy grasp to England.

It is the fashion of historians to ascribe the seizure of the New Netherland to the perfidy of Charles; but the policy of kingdoms through successive administrations is more homogeneous than appears on the surface. The diplomacy of ministers is usually traditional; the opportunity which seems to mark a change is often but an incident in the chain. That which presented itself to Clarendon, Charles's Lord Chancellor, was the demand made by the States-General that the boundary line should be established between the Dutch and English possessions in America. Consent on the part of Charles would have been a ratification of Cromwell's recognition of 1654. This demand of the Dutch Government, made in January, 1664, close upon the petition of the farmers of the customs of December, 1663, precipitated the crisis. The seizure of New Amsterdam and the reduction of New Netherland was resolved upon. Three Americans who happened to be in London, — Scott, Baker, and Maverick, — were summoned before the Council Board, when they presented a statement of the title of the King, the intrusion of the Dutch, and of the condition of the settlement. The Chancellor held their arguments to be well grounded, and on the 29th of February an expedition was ordered "against the Dutch in America." The demand of the Holland Government was no doubt stimulated by the intrigues of Sir George Downing, who had been Cromwell's ambassador at the Hague, and was retained by Charles as an adroit servant. A nephew of the elder Winthrop and a graduate from Harvard, Downing appears to have determined upon the acquisition by England of the Dutch provinces, which were held by the New England party to be a thorn in the side of English American colonization. The expedition determined upon, Scott was sent back to New England with a royal commission to enforce the Navigation Laws. The next concern of the Chancellor was to secure to the Crown the full benefit of the proposed conquest. He was as little satisfied with the self-rule of the New England colonies as with the presence of Dutch sovereignty on American soil; and in the conquest of the foreigner he found the means to bring the English subject into closer dependence on the King.

James Duke of York, Lord High Admiral, was the heir to the crown. He had married the daughter of Edward Hyde, the Chancellor of the kingdom, who now controlled its foreign policy. A patent to James as presumptive heir to the crown, from the King his brother, would merge in the crown; and a central authority strongly established over the territory covered by it might well, under favorable circumstances, be extended over the colonies on either side which were governed under limitations and with privileges directly secured by charter from the King. In this adroit scheme may be found the beginning in America of that policy of personal rule, which, begun under the Catholic Stuart, culminated under the Protestant Hanoverian, a century later, in the oppression which aroused the

American Revolution. The first step taken by Clarendon was the purchase of the title conveyed to the Earl of Stirling in 1635 by the grantees of the New England patent. This covered the territory of Pemaquid, between the Saint Croix and the Kennebec, in Maine, and the Island of Matowack, or Long Island. The Stirling claim had been opposed and resisted by the Dutch; but Stuyvesant, the Director of New Netherland, had in 1650 formally surrendered to the English all the territory south of Oyster Bay on Long Island and east of Greenwich on the continent. A title being thus acquired by the adroitness of Clarendon, a patent was, on the 12th of March, 1664, issued by Charles II. to the Duke of York, granting him the Maine territory of Pemaquid, all the islands between Cape Cod and the Narrows, the Hudson River, and all the lands from the west side of the Connecticut to the east side of Delaware Bay, together with the islands of Martha's Vineyard and Nantucket. The inland boundary was "a line from the head of Connecticut River to the source of Hudson River, thence to the head of the Mohawk branch of Hudson River, and thence to the east side of Delaware Bay." The patent gave to the Duke of York, his heirs, deputies, and assigns, "absolute power to govern within this domain according to his own rules and discretions consistent with the statutes of England." In this patent the charter granted by the King to the younger John Winthrop in 1662 for Connecticut, in which it was stipulated that commissioners should be sent to New England to settle the boundaries of each colony, was entirely disregarded. The idea of commissioners for boundaries now developed with larger scope, and the King established a royal commission, consisting of four persons recommended by the Duke of York, whose private instructions were to reduce the Dutch to submission and to increase the prerogatives of the Crown in the New England colonies, which Clarendon considered to be "already well-nigh ripened to a commonwealth."

Three of these commissioners were officers in the Royal army, — Colonel Richard Nicolls, Sir Robert Carr, Colonel George Cartwright. The fourth was Samuel Maverick, an earnest adherent of the Church of England and a bitter enemy of Massachusetts, in which colony he had passed his early manhood. These commissioners, or any three or two of them, — Nicolls always included, — were invested with full power in all matters, military and civil, in the New England colonies. To Colonel Nicolls the Duke of York entrusted the charge of taking possession of and governing the vast territory



covered by the King's patent. To one more capable and worthy the delicate trust could not have been confided. He was in the fortieth year of a life full of experience, of a good Bedfordshire family, his father a barrister of the Middle Temple. He had received an excellent education. When, at the age of nineteen, the Civil War broke out, he at once joined the King's forces, and, obtaining command of a troop of horse, clung persistently to the Royal cause. Later, he served on the Continent with the Duke of York in the army of Turenne. At the Restoration he was rewarded for his fidelity with the post of Groom of the Bedchamber to the Duke, to whose interests he devoted himself with loyalty, prudence, and untiring energy. His title under the new commission was that of Deputy-Governor; the tenure of his office, the Duke's pleasure.[1]

The English Government has never been scrupulous as to method in the attainment of its purposes, justification being a secondary matter. When the news of the gathering of the fleet reached the Hague, and explanation was demanded of Downing as to the truth of the reports that it was intended for the reduction of the New Netherland, he boldly insisted on the English right to the territory by first possession. To a claim so flimsy and impudent only one response was possible, — a declaration of war. But the Dutch people at large had little interest in the remote settlement, which was held to be a trading-post rather than a colony, and not a profitable post at best. The West India Company saw the danger of the situation, but its appeals for assistance were disregarded. Its own resources and credit were unequal to the task of defence. Meanwhile the English fleet, composed of one ship of thirty-six, one of thirty, a third of sixteen, and a transport of ten guns, with three full companies of the King's veterans, — in all four hundred and fifty men, commanded by Colonels Nicolls, Carr, and Cartwright, — sailed from Portsmouth for Gardiner's Bay on the 15th of May. On the 23d of July Nicolls and Cartwright reached Boston, where they demanded military aid from the Governor and Council of the Colony. Calling upon Winthrop for the assistance of Connecticut, and appointing a rendezvous at the west end of Long Island, Nicolls set sail with his ships and anchored in New Utrecht Bay, just outside of Coney Island, a spot since historical as the landing-place of Lord Howe's troops in 1776. Here Nicolls was joined by militia from New Haven and Long Island. The city of New Amsterdam was at once cut off from all communication with the shores opposite, and a proclamation was issued by the commissioners guaranteeing the inhabitants in their possessions on condition of submission. The Hudson being in the control of the English vessels, the little city was defenceless. The Director, Stuyvesant, heard of the approach of the English at Fort Orange (Albany), whither he had gone to quell disturbances with the Indians. Returning in haste, he summoned his council together. The folly of resistance was apparent to all, and after delays, by which the Director-General sought to save something of his dignity, a commission for

[1] [Cf. Mr. Whitehead's chapter in the present volume. — Ed.]

a surrender was agreed upon between the Dutch authorities and Colonel Nicolls. The capitulation confirmed the inhabitants in the possession of their property, the exercise of their religion, and their freedom as citizens. The municipal officers were continued in their rule. On the 29th of August, 1664, the articles were ratified, and Stuyvesant marched out from Fort Amsterdam, at the head of his little band with the honors of war, and embarked the troops on one of the West India Company's ships for Holland. Stuyvesant himself remained for a time in the city. The English entered the fort, the Dutch flag was hauled down, the English colors hoisted in its place, and the city passed under English rule. The first act of Nicolls on taking possession of the fort, in which he was welcomed by the civic authorities, was to order that the city of New Amsterdam be thereafter known as New York, and the fort as Fort James, in honor of the title and name of his lord and patron.

At the time of the surrender the city gave small promise of its magnificent future. Its entire population, which did not exceed 1,500 souls, was housed within the triangle at the point of the island, the easterly and westerly sides of which were the East and North Rivers, and the northern boundary a wall stretching across the entire island from river to river. Beyond this limit was an occasional plantation and a small hamlet known as New Haarlem. The seat of government was in the fort. Nicolls now established a new government for the province. A force was sent up the Hudson under Captain Cartwright, which took possession of Fort Orange, the name of which was changed to Albany, in honor of a title of the Duke of York. On his return, Cartwright took possession of Esopus in the same manner (the name of this settlement was later changed to Kingston). The privileges granted to the inhabitants of New Amsterdam were extended to these towns. The volunteers from Long Island and New England were now discharged to their homes.

The effect of the prudent and conciliatory measures of Nicolls, which in the beginning had averted the shedding of a single drop of blood, and now appealed directly to the good sense of the inhabitants, was soon apparent. The fears of the Dutch were entirely allayed, and as no inequality was imposed upon them, they had no reason to regret the change of rule. Their pride was conciliated by the continuance of their municipal authorities, and by the cordial manner in which the new-comers arranged that the Dutch and English religious service should be held consecutively under the same roof, — that of the Dutch church in the fort. Hence when Nicolls, alive to the interests of his master, which could be served only by maintaining the prosperity of the colony, proposed to the chief citizens that instead of returning to Holland, as had been arranged for in the capitulation, they should take the oath of allegiance to the King of Great Britain and of obedience to the Duke of York, they almost without exception, Stuyvesant himself included, accepted the conditions. The King's authority was thus peaceably and firmly established in the metropolis and in the outlying posts of the prov-

ince of New York proper, which, by the King's patent to the Duke, included all the territory east of the Delaware. The commissioners next proceeded to reduce the Dutch settlements on the Delaware, and established their colleague, Carr, in command, always however in subordination to the government of New York. The necessities of their condition, dependent upon trade, brought the Dutch inhabitants into easy subjection. Indeed it seems that though their attachment to the mother country, its laws and its customs, was unabated, the long neglect of their interests by the Holland Government had greatly weakened if not destroyed any active sentiment of loyalty.

The southern boundary established, the commissioners turned to the more difficult task of establishing that to the eastward. The Duke of York's patent covered all the territory claimed alike by the Dutch and by the Connecticut colony under its charter of 1662, — involving an unsettled controversy. A joint commission finally determined the matter by assigning Long Island to New York, and establishing a dividing line between New York and Connecticut, to run about twenty miles distant eastwardly from the Hudson River. The superior topographical information of the Connecticut commissioners secured the establishment of this line in a manner not intended by the Board at large. The boundary was not ratified by the royal authorities, and was later the source of continual dispute and of endless bad feeling between the two colonies.

Nicolls next settled the rules of the customs, which were to be paid in beaver skins at fixed valuations. Courts were now established, — an English modification of those already existing among the Dutch. These new organizations consisted of a court of assizes, or high court of law and equity. Long Island was divided, after the English manner, into three districts or ridings, in which courts of sessions were held at stated intervals. The justices, sitting with the Governor and his Council once in each year in the Court of Assizes, formed the supreme law-making power, wholly subordinate to the will of the Governor, and, after him, to the approval of the Duke. To this body fell the duty of establishing a code of laws for such parts of the province as still remained under the Dutch forms of government. Carefully examining the statutes of the New England colonies, Nicolls prepared from them a code of laws, and summoning a convention of delegates of towns to meet at Hempstead on Long Island, he submitted it for their approval. These laws, though liberal in matters of conscience and religion, did not permit of the election of magistrates. To this restriction many of the delegates demurred; but Nicolls fell back upon the terms of his commission, and the delegates submitted with good grace. The code thus established is known in jurisprudence as the "Duke's Laws." Its significant features were trial by jury; equal taxation; tenure of lands from the Duke of York; no religious establishment, but requirement of some church form; freedom of religion to all professing Christianity; obligatory service in each parish every Sunday; recognition of negro slavery under certain restrictions; and general liability to military duty.

Next in order came the conforming of the style and manner of the city governments to the custom of England. The Dutch form was abolished, and a mayor, aldermen, and sheriff appointed. The Dutch citizens objected to this change from the habit of their forefathers, but as the preponderance of numbers was given to citizens of their nationality, the objection was not pressed, and the new authorities were quietly inaugurated, if not with acquiescence, at least without opposition or protest. These changes occurred in June, 1665. Thus in less than a single year, in a population the Dutch element of which outnumbered the English as three to one, by the moderation, tact, energy, and remarkable administrative ability of Nicolls, was the conquered settlement assimilated to the English body politic to which it was henceforth to belong, and from the hour of its transmutation it was accustomed to look to Great Britain itself for government and protection. Such was the first step in the transition of the seat of the "armed commercial monopoly" of New Amsterdam, through various modifications and changes, to the cosmopolitan city of the present day.

The war which the violent seizure of New Netherland precipitated upon Europe was little felt on the western shores of the Atlantic. There was nothing in New York itself, independently of its territorial situation, to tempt a *coup de main*. There were "no ships to lose, no goods to plunder." For nearly a year after the capture no vessel arrived from England with supplies. In the interval the King's troops slept upon canvas and straw. The entire cost of maintaining the garrison fell upon the faithful Nicolls, who nevertheless continued to build up and strengthen his government, personally disposing of the disputes between the soldiers and settlers at the posts, encouraging settlement by liberal offers to planters, and cultivating friendly relations with the powerful Indian confederacy on the western frontier. While thus engaged in the great work of organizing into a harmonious whole the imperial domain confided to his charge, — which, extending from the Delaware to the Connecticut, with the Hudson as its central artery, was of itself a well-rounded and perfect kingdom, — he received the disagreeable intelligence that his work of consolidation had been broken by the Duke of York himself. James, deceived as to the gravity of the transaction, influenced by friendship, or because of more immediate personal considerations, granted to Carteret and Berkeley the entire territory between the Hudson River on the east, Cape May on the southward, and the northern branch of the Delaware on the west, to which was given the name of Nova Cæsarea, or New Jersey. In this grant, however, the Duke of York did not convey the right of jurisdiction; but the reservation not being expressed in the document, the grantees claimed that it also passed to them, — an interpretation which received no definitive settlement for a long period.[1]

While the Dutch Government showed no disposition to attempt the

[1] See chapter xi.

recovery of their late American territory by immediate attack, they did not tamely submit to the humiliation put upon them, but strained every nerve to maintain the honor of their flag by sea and land. For them as for the English race, the sea was the natural scene of strife. The first successes were to the English fleet, which, under the command of the Duke of York in person, defeated the Dutch at Lowestoffe, and compelled them to withdraw to the cover of their forts. Alarmed at the triumph of England and at the prospect of a general war, Louis XIV. urged peace upon the States-General, and proposed to the English King an exchange of the territory of New Netherland for the island of Poleron, one of the Banda or Nutmeg Islands, recently taken from the English, — a kingdom for a mess of pottage. But Clarendon rejected the mediation, declining either exchange or restitution in a manner that forced upon the French King a declaration of war. This declaration, issued Jan. 29, 1666, was immediately replied to by England, and the American colonies were directed to reduce the French possessions to the English crown. Here was the beginning of the strife on the American continent which culminated a century later in the conquest of Canada and the final supremacy of the English race on the Western continent.

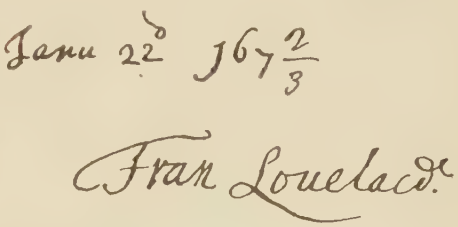
While the settlers of New England, cut off from the Western country by the Hudson River and the Dutch settlements along its course, and alike from Canada by pathless forests, and in a manner enclosed by races whose foreign tongues rendered intercourse difficult, were rapidly multiplying in number, redeeming and cultivating the soil and laying the foundations of a compact and powerful commonwealth, divided perhaps in form, but one in spirit and purpose, their northern neighbors were no less active under totally different forms of polity. The primary idea of French as of Spanish colonization was the conversion of the heathen tribes. The first empire sought was that of the soul; the priests were the pioneers of exploration. The natives of the soil were to be first converted, then brought, if possible, through this subtile influence into alliance with the home government. This peaceful scheme failing, military posts were to be established at strategic points to control the lakes and streams and places of portage, the highways of Indian travel, and to hold the country subject to the King of France. Unfortunately for the success of this comprehensive plan, there was discord among the French themselves. The French military authorities and the priests were not harmonious either in purpose or in conduct. The Society of Jesus would not subordinate itself to the royal authority. Moreover the Iroquois confederacy of the Five Nations, which held the valley of the Mohawk and the lakes south of Ontario, were not friendly at heart to the Europeans. They had not forgotten nor forgiven the invasion by Champlain; yet, recognizing the value of friendly relations with a power which could supply them with firearms for their contests with the fierce tribes with whom they were at perpetual war, they welcomed the French to dwell among them. French policy had declared itself, even before England made

her first move for a consolidation of her power in America. In 1663 the Old Canada Company surrendered its rights to Louis XIV., who at once sent over a Royal Commissary to organize a colonial government. The new administration established by him was not content with the uncertain relations existing with the Iroquois, which the fierce hostility of the Mohawks, the most important and powerful of the confederate tribes, constantly threatened to turn into direct enmity. A policy of conquest was determined upon. An embassy sent by the Iroquois to Montreal to treat for peace in 1664 was coldly received, and the next year the instructions of the French King declared the Five Nations to be "perpetual and irreconcilable enemies of the colony." Strong military assistance arrived to enforce the new policy, and before the year closed, the Marquis de Tracy, the new viceroy, had erected fortified posts which controlled the entire course of the St. Lawrence. In December four of the confederate tribes, — the Onondagas, Oneidas, Cayugas, and Senecas, — alarmed at this well-ordered progress toward their territory, made submission, and entered into a treaty by which Louis was acknowledged as their protector and sovereign. The Mohawks alone were not a party to this arrangement. They refused to acknowledge subjection. To punish their obstinacy the viceroy at once despatched an expedition against their villages. Missing its way, it was attacked near Schenectady by a party of Mohawks. The news of the skirmish alarmed the English at Albany. From their pickets Courcelles, the commander of the French expedition, first learned of the reduction of the Dutch province to English rule, and, it is reported, said in disturbed mind, "that the King of England did grasp at all America."

Thus for the first time within the limits of the New York province the English and French were confronted with each other on the territory which was destined to become the scene of a century of strife; and thus also were the Mohawks naturally inclined to the only power which could protect them against the aggressions of the French. Nicolls induced the Mohawks to treat for peace with the French. He also urged the Connecticut authorities to arrange a peace between the Mohicans and the Mohawks; and negotiations were opened in time to counteract the French emissaries, who were already tampering with the former tribe. Shortly after these successful mediations, instructions arrived from King Charles to undertake hostilities against Canada; but Connecticut refusing to join in an expedition, and Massachusetts, considering the reduction of Canada as not at the time feasible, Nicolls changed his tactics, and declared to the Canadian viceroy his purpose to maintain peace, provided the bounds and limits of his Majesty's dominions were not invaded. Meanwhile, the Oneidas having ratified the treaty made by their colleague tribes with the French, the Mohawks were left alone in resistance, and committed outrages which the viceroy determined to punish. Leading an expedition in person, he marched upon the Mohawks, captured and destroyed their four villages, burned vast quantities of stored provisions, devastated their territory, and took formal possession of the country in the name

of the King of France. Yet such was the independent spirit of this proud tribe, that it required the threat of another expedition to bring them to submission. A treaty was made by which they consented to receive missionaries. This completed the title of possession of the Western territory which the French Government was preparing against a day of need.

The war in Europe was closed by the treaty of Breda, which allowed the retention by each of the conflicting parties of the places it occupied. This provision confirmed the English in peaceful and rightful possession of their conquest of New Netherland. The intelligence was proclaimed New Year's Day, 1668. It enabled the Duke of York to accede at last to the repeated requests of his faithful and able deputy, and permission was granted to Nicolls to return to England. His successor, Colonel Francis Lovelace, relieved him in his charge in August following.



Francis Lovelace, the successor of Nicolls, continued his policy with prudence and moderation. To him the merchants of the city owed the establishment of the first exchange or meeting-place for transaction of business at fixed hours. He encouraged the fisheries and whaling, promoted domestic trade with Virginia, Massachusetts, and the West India Islands, and took personal interest in shipbuilding. By his encouragement the first attempt toward a post-road or king's highway was made. During his administration the first seal was secured for the province, and one also for the city. He appears to have concerned himself also in the conversion to Christianity of the Indian tribes, — a policy which Nicolls initiated; but as yet there was no printing press in the province to second his efforts. Of more practical benefit was his interference to arrest the sale of intoxicating liquors to the savage tribes from the trading-post at Albany.

In 1668 the policy of the English Government again veered. A treaty, known as the Triple Alliance, was signed between Great Britain, the United Provinces, and Sweden, to arrest the growing power and ambitious designs of France. Popular in the mother country, the alliance gave peculiar satisfaction to the New York province, and somewhat allayed the disappointment with which the cancellation of the order permitting the Dutch freely to trade with New York was received by its citizens of Holland descent. Throughout the Duke's province there was entire religious toleration. None were disturbed in the exercise of their worship. At Albany the parochial Dutch church was maintained under his authority, and in New York, he authorized the establishment of a branch of the Dutch Reformed Church, and directed the payment of a sufficient salary to the minister invited from Holland to undertake its charge.

The efforts begun by Nicolls and continued by Lovelace, to bring into harmonious subjection the diverse elements of the Duke's government

were not wholly successful. The inhabitants of eastern Long Island clung tenaciously to the traditions of the Connecticut colony, and petitioned the King directly for representation in the Government; but the Council for Plantations denied the claim, on the ground that the territory was in the limits of the Duke of York's patent and government. The unsettled boundaries again gave trouble, Massachusetts renewing her claim to the navigation of the Hudson, which the Dutch had, during their rule, successfully resisted. Massachusetts further claimed the territory to the Pacific westward of the line of the Duke of York's patent. The contiguous territory was however held by the Mohawks, who had never acknowledged other sovereignty than their own. In 1672 this tribe made a considerable sale of lands on the Mohawk River to the inhabitants of Schenectady, by which New York practically acquired title to the soil as well as sovereignty.

In 1672 English politics again underwent a change. The Triple Alliance was dissolved, and a secret treaty entered into with France. War was declared against the Dutch. In a severe action at Solebay, the Dutch won an advantage over the allied fleets of England and France. In the engagement Nicolls, the late governor of the New York province, fell, killed by a cannon ball, at the feet of his master, the Duke of York, Lord High Admiral of England, who commanded the British fleet. But while the Dutch maintained an equality at sea with the combined fleets of the powers, their fortune on land was not as favorable. Turenne and Condé led the armies of France to the soil of the Dutch Republic, and to mark his advantage, Louis XIV. brought his court to Utrecht. A revolution in Holland was the immediate consequence. The Grand Pensionary, who in his alarm sought peace, lost the favor of the people, resigned his office, and was quickly murdered by the excited followers of William of Orange. William, having demanded and obtained appointment as Stadtholder, at once placed himself at the head of the war party, and active hostilities were prosecuted by sea and land, both far and near. Among the rumors which reached the inhabitants of the New York province, whose kinsmen were again at war with each other, was one to the effect that a Dutch squadron which had been despatched against the West India colonies was on its way along the Atlantic coast. Lovelace discredited the information, and seems to have made no immediate efforts to strengthen the forts. Troops were called in, however, from the river garrisons and the posts on the Delaware; but their number, with the volunteers, reached only three hundred and thirty men. The alarm soon subsiding, the new-comers were dismissed, and the garrison left in Fort James did not exceed eighty men. Lovelace himself, in entire serenity of mind, left the city on a visit to Governor Winthrop in Connecticut. The rumor, however, proved true. The Dutch squadron, after capturing or destroying the Virginia fleet of tobacco ships in the Chesapeake, sailed northward, and on Aug. 7, 1673, anchored off Staten Island. Informed of the precise state of the New York defences by the captain of a prize captured at the mouth of James River, the Dutch commander made an immediate

demand for the surrender of the city. The Dutch fleet, commanded by Evertsen, originally consisting of fifteen ships, had been reinforced in its course by seven men-of-war, and with its prizes now numbered twenty-seven sail, which carried sixteen hundred men. Against this force no resistance was possible. On the morning of the 8th the fleet moved up the bay, exchanged shots with the fort, and landed six hundred men on the shore of the Hudson just above the city, where they were joined by a body of the Dutch burghers. A storming party was advanced, under command of Captain Anthony Colve, to whom Captain Manning, who commanded in the Governor's absence, surrendered the fort, the garrison being permitted to march out with the honors of war. Thus New York was again surrendered without the shedding of a drop of blood.

A few days later Lovelace, entrapped into a visit to the city, was first courteously entertained, then arrested on a civil suit for debt and detained. The river settlements of Esopus and Albany surrendered without opposition; and those in the immediate neighborhood of the city, where the Dutch population was in ascendency, made submission. The eastern towns of Long Island, of English descent, came in with reluctance. The commodores Evertsen and Binckes, who acted as council of war of New Netherland, after confiscating the property of the Duke of York and of his agent, by proclamation commissioned Captain Anthony Colve Governor-General of the country, and set sail for Holland, — Binckes taking Lovelace with him on his ship at his request.

New York had greatly changed in nine years of English rule. From a sleepy Dutch settlement it had become the capital of a well-ordered province. Colve, the new Dutch governor, went through the form of a return to the old order of city government of the home pattern, and prepared a provincial Instruction to which the outlying towns were to conform. Massachusetts again asserted her old claim to run her southern line to the Hudson, and Connecticut hankered once more after the fertile towns of Long Island, settled by her sons. But Massachusetts had no disposition to take up arms to restore the Duke of York to his possessions. The refusal of the Duke to take the test oath of conformity to the Protestant religion of the Established Church, and the leaning of Charles to the French alliance, alarmed the Puritans, and Connecticut was content, by volunteer reinforcements, to strengthen the eastern towns in their resistance to Colve's authority.

The news of the recapture of New York reached Holland in October, when Joris Andringa was by the States-General appointed governor of New Netherland under the instructions of the Board of Admiralty. Notwithstanding the earnest request of the Dutch inhabitants of the reconquered province and the petition of persons interested in its trade in the mother country, the States-General recognized the impossibility of holding their American possessions on the mainland, surrounded as they were by a growing and aggressive English population. The Prince of Orange, with true

statesmanship, saw that the only safety of the Republic was in a concentration of resources in order to oppose the power of France. The offer of a restitution of New Netherland was directly made to Charles II. as an evidence of the desire for peace and a good understanding. Charles referred the subject to Parliament, which instantly recommended acceptance, and within three days a treaty was drawn up and signed at Westminster, which once more and finally transferred the province of New York to the King of Great Britain. Proclamation of the treaty was made at Guild Hall early in July, 1674. The news came by way of Massachusetts and Connecticut. Connecticut determined to make one more push for the control on Long Island of Southampton, Easthampton, and Southold, and petitions were addressed to the King. At the same time she sought again to include the territory between the boundary line established in 1664 and the Hudson. And it may be stated as a curious instance of the politics of the time, that some friend of Massachusetts, urged by her agent in London, actually contemplated the purchase of the entire province of New York in her interest.

The new governor appointed by the King to receive the surrender of the New Netherland was one Edmund Andros, major in a dragoon regiment. In continuance of the liberal policy of 1664, all the inhabitants were by his instructions confirmed in their rights and privileges, and in the undisturbed possession of their property. By the treaty of Westminster, the New Netherland, the rightful possession of which by the Dutch was implied by its tenor, was ceded to the King. Although termed a restitution, it was held that the rights of the Duke of York had been extinguished by the conquest, and that restitution to the sovereign did not convey restoration to the subject. The Duke of York, now better informed as to the nature and value of the territory, on June 29, 1674, obtained from his royal brother a new patent with enlarged authority. To Andros, who bore the King's authority to receive submission, the Duke now conferred his commission to govern the province in his name. Lieutenant Anthony Brockholls was named his successor in case of death. Andros was a man of high character, well suited by nature and experience to carry out the policy of his master, — the policy skilfully inaugurated by Nicolls and loyally pursued by Lovelace, — the institution of an autocratic government of the most arbitrary nature in form, but of extreme mildness in practice; one which, insuring peace and happiness to the subject, would best contribute to the authority and revenue of the master. Colonization was encouraged, the customs burdens lightened, the laws equally administered, and freedom of conscience secured. Although the Duke of York, in his refusal to take the test oath prescribed by the Act of 1673, had proclaimed himself an adherent of the Church of Rome, and Brockholls was a professed Papist, and neither master nor servant could hold office in England under that Act, and although the British American colonies were not within its provisions, yet it does not appear that any effort was made by the Church of Rome to exercise its religion under the guarantee of

the King and of the Duke. There were doubtless few of that faith in the Protestant colony of New York to claim the privilege. It was left to the wise men who laid the foundations of the Empire State in 1777 to put in practice the freedom of religion *to all*, which, strangely enough, was first guaranteed in word by the Catholic prince.

The new patent of 1674 restored to the Duke his full authority over the entire domain covered by the original grant, and brought New Jersey again within his rule; yet he was persuaded to divest himself of this proprietorship by a new release to Carteret. No grant of power to govern being named in either the first or the second instrument, this authority was held as reserved by the Duke. The cession was nevertheless of extreme and lasting injury to the New York province, as it impaired its control over the west bank of the mouth of the Hudson and the waters of the bay. On the other hand, the Duke's title to Long Island and Pemaquid was strengthened by a release obtained from Lord Stirling; and the assumption of Connecticut to govern the eastern towns in the former territory was summarily disposed of. The Duke's authority in Pemaquid, Martha's Vineyard, and Nantucket, though disturbed by some of the inhabitants who sought to bring them under the government of Massachusetts, had been maintained during the period of Colve's administration. They had not been named in the commission of the Dutch commanders to Colve. The claim of Connecticut to the strip of land between the Mamaroneck line and the Hudson River was disallowed by the Duke, and possession of the territory entered by Connecticut was demanded by Andros. Connecticut held to the letter of her charter; Andros to the letters-patent of the King. The rising of the Narragansett tribes under King Philip afforded Andros an opportunity to assert the Duke's authority. Sailing with three sloops and a body of soldiers, he landed at Saybrook, and read the Duke's patent and his own commission. The Connecticut officers replied by reading the protest of the Hartford authorities. It is reasonable to suppose that had Andros found the Saybrook fort unoccupied, he would have put in a garrison to protect from the Indians the territory which he claimed to be within his commission. Had he intended a surprise, he would not have given notice to Winthrop that the object of his journey was "the Connecticut River, his Royal Highness's bounds there." Neither Andros nor the Connecticut authorities desired an armed collision. Andros, content with the assertion of his claim, crossed the Sound, despatched aid to his dependencies of Martha's Vineyard and Nantucket, and returned, after reviewing the militia and disarming the Indians. The course of Andros was approved by the Duke, who, while insisting on his claim to all the territory west of the Connecticut River, ordered that the distance of twenty miles from the Hudson be observed for the dividing line.

The northern frontier was also watched with jealous solicitude. The increase of French influence through their missionaries now became the occasion of an English policy of far-reaching significance, — a policy felt

throughout the American Revolution and in the later contest of the States of the Union for Western territory. The friendship of the Mohawks, the only tribe which did not acknowledge French supremacy, was encouraged. Andros personally visited the stronghold of the Mohawks, and on his return to Albany confirmed a close alliance with the Iroquois and organized a board of Indian Commissioners. This sagacious plan served in the future as an effectual check to the encroachments of the French. The ministers of Louis XIV. were quick to feel the blow, and in 1677 the counter claim was set up that the reception of the Jesuit missionaries had given sovereignty to France over the Iroquois. The future contest which was to shake the two continents was already foreshadowed. The same year the supremacy of New York over the Iroquois was tacitly admitted by Massachusetts in the treaty made with them "under the advice" of Andros.

In the details of his administration Andros showed the same firmness. The old contraband trade with the Dutch was arrested; no European goods were admitted from any port that had not paid duties in England. This strict enforcement of the Navigation Laws diminished the coastwise trade with Massachusetts and promoted a direct intercourse with England, which gradually brought the province into close relation with the English commercial towns. Social and political alliance was the natural result, and New York grew gradually to be the most English in sentiment of the American colonies, notwithstanding the cosmopolitan character of her population.

Increasing commerce requiring greater accommodation, a great mole or dock was built on the East River, which afforded protection to vessels in the rapid tide, and for a long period was the centre of the traffic of the city of New York. The answer of Governor Andros to the inquiries of the Council of Plantations as to the condition of the province gives the best existing account of it in 1678. The following are the principal points: —

"Boundaries, — South, the Sea; West, Delaware; North, to ye Lakes or ffrench; East, Connecticut river, but most usurped and yett posse'd by s'd Connecticut. Some Islands Eastward and a Tract beyond Kennebeck River called Pemaquid. . . . Principall places of Trade are New Yorke and South'ton except Albany for the Indyans; our buildings most wood, some lately stone and brick; good country houses, and strong of their severall kindes. About twenty-four towns, villages, or parishes in six precincts, divisions, Rydeings, or Courts of Sessions. Produce is land provisions of all sorts, as of wheate exported yearly about sixty thousand bushells, pease, beefe, pork, and some Refuse fish, Tobacco, beavers' peltry or furs from the Indians, Deale and oake timber, plankes, pipestavves, lumber, horses, and pitch and tarr lately begunn to be made. Comodityes imported are all sorts of English manufacture for Christians, and blanketts, Duffells, etc., for Indians, about 50,000 pounds yearly. Pemaquid affords merchantable fish and masts. Our merchants are not many, but most inhabitants and planters, about two thousand able to beare armes, old inhabitants of the place or of England, Except in and neere New Yorke of Dutch Extraction, and some few of all nations, but few serv'ts much wanted, and but very few slaves. A merchant worth one thousand pounds or five hundred pounds is accompted a good substantiall merchant, and a

planter worthe half that in moveables accompted [rich?]. With all the Estates may be valued at about £150,000. There may lately have trade to ye Colony in a yeare from ten to fifteen ships or vessels, of which togeather 100 tunns each, English, New England, and our own built, of which 5 small ships and a Ketch now belonging to New York, four of them built there. No privateers on the coast. Religions of all sorts, — one Church of England, several Presbyterians and Independents, Quakers and Anabaptists of severall sects, some Jews, but Presbyterians and Independents most numerous and substantial. There are about 20 churches or meeting-places, of which about half vacant. Noe beggars, but all poor cared for."

In 1678, the affairs of the province being everywhere in order, Andros availed himself of the permission given him by the Duke to pay a visit to England. He sailed from New York on the 12th of November, leaving Brockholls to administer the government in his absence, with the commission of commander-in-chief. On reaching London Andros was knighted by the King. His administration was examined into by the Privy Council and approved. In May he sailed for New York with the new commission of vice-admiral throughout the government of the Duke of York. He found the province in the same quiet as when he left it.

The marriage of William of Orange with Mary, daughter of the Duke of York and heiress to the throne of England, in the autumn of 1677, was of happy augury to the New York colony. It gave earnest of a restoration of the natural alliance of the Protestant powers against France, the common enemy. To the Dutch of New York it was peculiarly grateful, allaying the last remains of the bitterness of submission to alien rule. Andros wisely promoted this good feeling by interesting himself in the formal establishment of their religion. Under his direction a classis of the Reformed Church of Holland met in New York for purposes of ordination, and its proceedings were approved by the supreme ecclesiastical authority at Amsterdam. New points in law were now decided and settled; strikes or combinations to raise the price of labor were declared illegal; all Indians were declared to be free.

But Andros was on occasion as energetic and determined as he was prudent and moderate. He dallied with no invasion of his master's rights or privileges, as he evinced when, in 1680, he arrested Carteret in New Jersey and dragged him to trial[1] for having presumed to exercise jurisdiction and collect duties within the limits of the Duke's patent.

The position of the Duke of York now became daily more difficult, indeed almost untenable in his increasing divergence from the policy of the kingdom. The elements of that personal opposition which was later to drive him from the throne were rapidly concentrating. His adherents and those who favored a Protestant succession were forming the historic parties of Tories and of Whigs. To avoid angry controversy the Duke ordered the question of his right to collect customs dues in New Jersey to be submitted to Sir William Jones. Upon his adverse decision so far as related to West

[1] See chapter xi.

Jersey, the Duke directed the necessary transfer to be made; and when the widow of Carteret made complaint of his dispossession from authority, the action of Andros was wholly disavowed by the Duke, and his authority over East Jersey was relinquished in the same form. Andros himself, against whom complaints of favoring the Dutch trade had been made by his enemies, was ordered to return to England, leaving Brockholls in charge

SIR EDMUND ANDROS.[1]

of the government; at the same time a special agent was sent over to examine into the administration. Conscious of the integrity of his service, Andros obeyed the summons with alacrity, proclaimed the agent's commission, called Brockholls down from Albany to take charge of the government, and took ship for England. The absence of his firm hand was soon felt. The term for the levy of the customs rates under the Duke's au-

[1] [Regarding this portrait, see *Memorial History of Boston*, ii. 5. — Ed.]

thority had expired just before his sailing, and had not been renewed. Immediately after his departure the merchants refused to pay duties, and the collector who attempted the levy was held for high treason in the exercise of regal authority without warrant. He pleaded his commission from the Duke, and the case was referred to England. The resistance of the merchants was stimulated by the free condition of the charter just granted to Pennsylvania, which required that all laws should be assented to by the freemen of the province, and that no taxes should be laid or revenue raised except by provincial assembly. The Grand Jury of New York presented the want of a provincial assembly as a grievance; a petition was drafted to the Duke praying for a change in the form of government, and calling for a governor, council, and assembly, the last to be elected by the freeholders of the colony. On the arrival of the Duke's agent in London with his report upon the late administration, Andros was examined by the Duke's commissioners, whereupon he was fully exonerated, his administration was complimented, and he was made a gentleman of the King's Privy Chamber. The Duke's collector, after waiting in vain for his prosecutors to appear, was discharged from his bond, and soon after appointed surveyor-general of customs in the American Plantations.

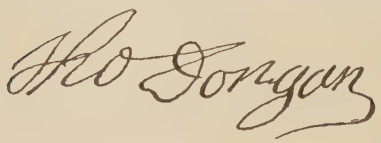
Notwithstanding his dislike to popular assemblies, the Duke of York saw the need of some concession, and gave notice of his intention to Brockholls. Thus by the accident of the non-renewal of the customs' term, the people of New York were enabled, in the absence of the governor, to assert the doctrine of no taxation without representation, to which the Duke in his necessity was compelled to submit.

Great changes had taken place in the neighboring territory of New Jersey, which the Duke had alienated from his original magnificent domain, to its mutilation and lasting injury. Pennsylvania was formally organized as a province, and Philadelphia was planned. East New Jersey passed into the hands of twelve proprietors, who increased their number by sale to twenty-four, selected a governor, summoned a legislature, and organized the State.

While the English race, true to its instincts and traditions, was thus organizing its settlements, bringing its population into homogeneity, and preparing for a gradual but sure extension of its colonization from a firm, well-ordered base, the more adventurous French were pushing their voyages and posts along the lakes and down the Western streams, until the discovery of the mouth of the Mississippi by La Salle completed the chain and added to the nominal domain of the sovereign of France the vast territory from the Illinois to the Gulf of Mexico, to which he gave the name of Louisiana.

The governor selected by the Duke of York to succeed Andros and to inaugurate the new order of government in his province was Colonel Thomas Dongan, an Irish officer who had commanded a regiment in the

French service. Though a Roman Catholic, an Irishman, and a soldier, he proved himself an excellent and prudent magistrate. The instructions of the Duke required the appointment of a council of ten eminent citizens and the issue of writs for a general assembly, not to exceed eighteen, to consult with the Governor and Council with regard to the laws to be established, such laws to be subject to his approval, — the general tenor of laws as to life and property to be in conformity with the common law of England. No duties were to be levied except by the Assembly. No allusion was made to religion. No more democratic form of government existed in America, or was possible under kingly authority.



Dongan reached the city of New York, Aug. 28, 1683, and assumed the government. Installing his secretary and providing occupation for Brockholls, he summoned an assembly, and then hastened to Albany to check the attempt of Penn to extend the bounds of the territory of Pennsylvania by a purchase of the valley of the Upper Susquehanna from the Iroquois, who claimed the country by right of conquest from the Andastes. In this Dongan was successful; the Cayugas settling the question by a formal conveyance of the coveted territory to the New York Government, a cession which was later confirmed by the Mohawks. At the same time this tribe was instructed as to their behavior toward the French. The claim of New York to all the land on the south side of the lake was again renewed and assented to by the Mohawks. The astute Iroquois already recognized that only through the friendship of the English could their independence be maintained.

The New York Assembly met in October. Its first act bore the title of "The Charter of Liberties and Privileges granted by his Royal Highness to the Inhabitants of New York and its dependencies." The supreme legislative authority, under the King and the Duke, was vested in a governor, council, and "the people met in general assembly;" the sessions, triennial as in England; franchise, free to every freeholder; the law, that of England in its most liberal provisions; freedom of conscience and religion to all peaceable persons "which profess faith in God by Jesus Christ." In the words of the petition of right of 1628, no tax or imposition was to be laid except by act of Assembly, — in consideration of which privileges the Assembly was to grant the Duke or his heirs certain specified impost duties. The province was divided into twelve counties. Four tribunals of justice were established; namely, town courts with monthly sessions for the trial of petty cases; county or courts of sessions; a general court of oyer and terminer, to meet twice in each year; and a court of chancery or supreme court of the province, composed of the Governor and Council. An appeal to the King was reserved in every case. In addition to these there was a clause unusual in American statutes, naturalizing the foreign born residents and those who should come to reside within the limits

of the province, which had already assumed the cosmopolitan character which has never since ceased to mark the city of New York. The liberal provisions of the statute gave security to all, and invited immigration from Europe, where religious intoleration was again unsettling the bases of society. It was not until the 4th of October, 1684, that the Duke signed and sealed the amended instrument, "The Charter of Franchises and Privileges to New Yorke in America," and ordered it to be registered and sent across sea.

Connecticut making complaint of the extension of New York law over the territory within the contested boundary lines, Dongan brought the long dispute to a summary close by giving notice to the Hartford authorities that unless they withdrew their claims to territory within twenty miles of the Hudson he should renew the old New York claim to the Connecticut River as the eastern limit of the Duke's patent, and refer the subject directly to his Highness. In reply to an invitation from Dongan, commissioners proceeded from Hartford to New York, who abandoned the pretensions set up, and accepted the line proposed by Dongan, thus finally closing the controversy.

The city of New York was now divided into six wards, certain jurisdiction conferred upon its officers, and a recorder was appointed.

Dongan with the vision of a statesman recognized the value of the friendship of the Indians. The Iroquois tribes he described as the bulwark of New York against Canada. The policy of the Duke's governors from the time of Nicolls was unchanged. It consisted in a claim to all the territory south and southwest of the Lake of Canada (Ontario), and the confining of the French to the territory to the northward by the help of Indian allies. The French officers by negotiation and threat endeavored first to impose their authority on the several tribes of the Iroquois confederacy, and failing in this to divide them. But Dongan, carefully observing their manœuvres, obtained from a council of chiefs a written submission to the King of England, which was recorded on two white dressed deer-skins. The presence on the occasion at Albany of Lord Howard of Effingham, the Governor of Virginia, added greatly in the eyes of the Indians to this solemn engagement. Four nations bound themselves to the covenant, and asked that the arms of the Duke of York should be put upon their castles; and Dongan gave notice of the same to the Canadian Government, in witness that they were within his jurisdiction and under his protection. But in this submission the Indians recognized no subjection. The Iroquois still claimed his perfect freedom.

The claim of Massachusetts to territory westward of the Hudson was another perplexing element in the Indian question. In answer to a renewal of this demand, Dongan set up his claim as the Duke's governor to jurisdiction over the towns which Massachusetts had organized on land covered by the Duke's patent on the west side of the Connecticut River; but the matter being soon disposed of by the cancelling, for various

offences, of the Massachusetts patent by the King, through the operation of a writ of *quo warranto*, the Duke had no further contestant to his claims. The New Jersey boundary was also matter of dispute, but Dongan, at first of his own motion, and later by specific instruction from the Duke, took care to prevent Penn from acquiring any part of New Jersey or from interfering with the Indian trade.

The controversy with Canada as to the country south of the St. Lawrence and Lake Ontario now drew to a head. Dongan clung persistently to the claim asserted by Andros in 1677. Against this the Canadians set up the sovereignty of France, acquired by war and treaties and the planting of missionaries among the tribes. The question turned upon the independence of the Iroquois, parts of which tribes had never made submission, or had repudiated the interpretation set upon their engagements. The new French governor, De la Barre, made ineffectual menace, but not supporting his threat with arms, lost the respect of the savages. The prestige of the English was increased, and the coveted trade passed into their hands to such an extent that in 1684 the Senecas alone brought into Albany more than ten thousand beaver skins. Nor was Denonville, who succeeded De la Barre in the government of Canada, more fortunate in enforcing his policy. His wily effort to engage the sympathies of his co-religionist Dongan in a support of the French missionaries among the tribes, was foiled by the New York governor, who at the same time secured the approbation of his Roman Catholic master by proposing to replace them with English priests.

The death of Charles II., early in the year 1685, and the accession to the throne of the Duke of York as James II., were of momentous influence upon European politics. They at once changed the political position of New York. The condition of proprietorship or nominal duchy altered with that of its master and proprietor. The Duke became a King; the duchy a royal province. The change involved a change in the New York charter, and afforded opportunity for a reconsideration and rejection of the entire instrument. The words "the people" were particularly objected to by the new King as unusual. The revocation of the Massachusetts charter by the late King, the government of which colony had not yet been settled, presented a favorable occasion for an assimilation of all the constitutions of the American colonies as preliminary to that consolidation of government and power at which James aimed as his ideal of government. Nevertheless the existing New York charter remained,—not confirmed, not repealed, but continued. The Scotch risings and the Monmouth rebellion interfered with any immediate action by the Government in American affairs. Yet the New York province hailed with joy the accession of their Duke and Lord proprietor to the throne. His rule had been just and temperate; his agents prudent and discreet. The immediate Governor, Dongan, was thoroughly identified with the interests of the province confided to his care, and aimed to make of its capital the centre of English influence in

America. In 1686 the city received a new charter, with a grant of all the vacant land in and about the city. Albany, also, under an arrangement with the landed proprietors, was incorporated and intrusted with the management of the Indian trade. The suppression of the Monmouth rebellion enabling James to turn his attention to America, he directed proceedings to be instituted in the English courts to cancel the charters of the Connecticut, Rhode Island, West Jersey, and Delaware colonies. In the interim a temporary government was established for Massachusetts, Plymouth, Maine, and New Hampshire, in accordance with the order of Charles made in 1684. A board of councillors was appointed, of whom Joseph Dudley was named president.

Weary of the trouble and expense of maintaining authority in distant Pemaquid, Dongan urged the King to annex this dependency to Massachusetts, and to add Connecticut to New York. Dudley pleaded the claim of Massachusetts with the Connecticut authorities. They held an even balance between the two demands, however, and resolved to maintain the autonomy of the colony, if possible, against either the machinations of her neighbors or the warrant of the King.

It has been seen that as Duke of York the policy of James in the government of his American province was, with the exception of the weakness shown in the case of Carteret and New Jersey, the consolidation of power. His accession to the throne enabled him to carry out this policy on a broader field. He determined to put an end to the temporary charge by commissioners of the New England colonies, and to unite them all under one government, the better to defend themselves against invasion. The assigned reason was the policy of aggression of the French on the frontiers. The person selected for the delicate duty of harmonizing the colonies into one province was Sir Edmund Andros, who, as the Duke's deputy, had first suggested that a strong royal government should be established in New England, and of whose character and administrative abilities there was no question. He was accordingly commissioned by the King "Captain-General and Governor-in-Chief over his territory and dominions of New England in America." By the terms of his instructions, liberty of conscience was granted to all, countenance promised to the Church of England, and power conferred on the Assembly to make laws and levy taxes. Pemaquid was annexed to the new government.

To assimilate the New York government to that of the new dominion a new commission was issued to Dongan as King's captain-general and governor-in-chief over the province of New York. The charter of liberties and privileges recently signed was repealed; the existing laws, however, were to continue in force until others should be framed and promulgated by the Governor and Council. The liberty of conscience granted in 1674 and limited in 1683 to Christians, was now extended to all persons without restriction. A censorship of the press was established. The trade of the Hudson River was to be kept free from intrusion by any.

While the King was thus strengthening his power and gathering into one grasp the entire force of the colonies, his ministers allowed themselves to be outwitted by the French in negotiation. A treaty of neutrality inspired by France engaged non-interference by either Government in the wars of the other against the savage tribes in America, and struck a severe blow at the policy of the New York governors. The announcement of the treaty was accompanied by the arrival of reinforcements in Canada and the organization of an expedition against the Iroquois. The treacherous seizure and despatch to France of a number of chiefs, who had been invited to a conference at Quebec, opened the campaign, at once ended the French missions among the Five Nations, and consolidated their alliance with the English. The expedition of Denonville was partially successful. The Seneca country was occupied, sovereignty proclaimed, and a fort built on the old site of La Salle's Fort de Conty. But the power of the Iroquois was not touched. Hampered by his instructions, Dongan could only lay the situation before the King and suggest a comprehensive plan for the fortification of the country and assistance of the friendly tribes. Alarmed at the news from the frontier, he resolved to winter in Albany, and ordered the Five Nations to send their old women and children to Catskill, where they could be protected and cared for. A draft was also made of every tenth militia man to strengthen the Albany post. Denonville, despairing of conquering the fierce Iroquois, though they were supported only by the tacit aid of the English, now urged upon Louis XIV. the acquisition of the coveted territory by exchange or by purchase, even of the entire province of New York, with the harbor of the city.

Dongan's messenger to James easily satisfied the King that the treaty of neutrality was not for the interest of England, and that if the independence of the Five Nations were not maintained, the sovereignty over them must be English. Orders were sent to Dongan to defend and protect them, and to Andros and the other governors to give them aid. To the complaints of Louis, James opposed the submission made at Albany in 1684 by the chiefs in the presence of the Governor of Virginia. As a compromise between the Governments it was agreed by treaty that until January, 1689, no act of hostility should be committed or either territory invaded. The warlike defensive operations against the French put the New York Government to extraordinary charges, amounting to more than £8,000, to which the neighboring colonies were invited to contribute under authority of the King's letter of November, 1687. The occasion to urge the importance of New York as the bulwark of the colonies, and of strengthening her by the annexation of Connecticut and New Jersey, was not forgotten by the sagacious Dongan. Now that the Dutch pretension to rule in America was definitively set at rest, it was evident to statesmen that a struggle for the American continent would sooner or later arise between the powers of France and England, — indeed the rivalry had already begun. To James, who thoroughly understood the practice as well as the theory of admin-

istration, and was as diligent in his cabinet as any of his ministers, it was equally evident that the consolidated power of New France in the single hand of a viceroy was more serviceable than the discordant action of provinces so much at variance with each other in principle and feeling as the American colonies. To the viceregal government of New France he resolved to oppose a viceregal government of British America. To New England he now determined to annex New York. Dongan was recalled, gratified with military promotion and personal honor, and Sir Edmund Andros was commissioned governor-general of the entire territory. His commission gave him authority over

"All that tract of land, circuit, continent, precincts, and limits in America lying and being in breadth from forty degrees of northern latitude from the equinoctial line to the River St. Croix eastward, and from thence directly northward to the River of Canada, and in length and longitude by all the breadth aforesaid throughout the main land, from the Atlantic or Western Sea or Ocean on the east part to the South Sea on the west part, with all the islands, seas, rivers, waters, rights, members, and appurtenances thereunto belonging (our province of Pennsylvania and country of Delaware only excepted), to be called and known, as formerly, by the name and title of our territory and dominion of New England in America."

On the 11th of August 1688, Andros assumed his viceregal authority at Fort James in New York. A few days later the news arrived of the birth of a son to King James. A proclamation of the viceroy ordered a day of thanksgiving to be observed within the city of New York and dependencies. Thus New York was formally recognized as the metropolis and the seat of government in the Dominion of New England. By the King's instructions the seal of New York was broken in council, and the great seal of New England thereafter used.

The Governor of Canada was notified that the Five Nations were the subjects of the King of England, and would be protected as such. The new governor visited Albany, and held a conference with the delegates from the Five Nations, and renewed the old covenant of Corlaer. The Indians showing signs of restlessness all along the frontier as far as Casco Bay, the viceroy endeavored to settle the difficulties between Canada and the New York tribes, and engaged his good offices to secure the return of the prisoners from France. On his return to Boston Andros left the affairs of the New York government in the charge of Nicholson. Dongan retired to his farm at Hempstead on Long Island. Though peaceful, the new dominion was not at rest. The liberty of conscience declared by the King was not precisely that which each dissenting denomination desired. Gradually men of each grew to believe that James was indifferent to all religions that were not of the true faith; and regarding the simple manner in which by legal form he had stripped them of their chartered rights, began to fear that by an act as legal he might strip them of their liberty of worship. The test Act which he had refused to obey, to the loss of his dignities and honors

as Duke, might be altered to the ruin of its authors. A Roman Catholic test might take the place of the Protestant form. The King reigned, and a son was born to him, who doubtless would be educated in the papist faith of the Stuarts. William of Orange was only near the throne.

While the colonies were thus agitated, a spirit of quiet resistance was spreading in England, where alarm was great at the arbitrary manner in which charters were stricken down. Property was threatened. In the American colonies the agitation was chiefly religious. Among their inhabitants were Huguenot families whom the revocation of the Edict of Nantes in 1685 had ruthlessly driven from their homes to a shelter on the distant continent. The crisis was at hand. Strangely enough, it was precipitated by the declaration of liberty of conscience and the abro-

GREAT SEAL OF ANDROS.[1]

gation of the test oath against Dissenters which King James had commissioned Andros to proclaim in America. This liberty of conscience included liberty to Catholics, which the Protestants would have none of. The abrogation of the test oath opened the way to preferment and honor to Catholics, which the Protestants were equally averse to. Ordered to read the proclamation in the churches, seven bishops, headed by the Archbishop of Canterbury, refused to obey the command. The prelates were committed, tried, and acquitted. Encouraged by this victory, the great Whig houses of England now addressed an invitation to William of Orange, who was already, with naval and military force, secretly prepared to cross the sea. On the 5th of November the great Stadtholder landed on the shores of Devon, and proclaimed himself the maintainer of English liberties. Thus a declaration of liberty of conscience brought about the fall of a Catholic king. The news caused great excitement in the colonies. Andros, who had but lately

[1] [See authorities in *Memorial History of Boston*, ii. 9. — Ed.]

returned to Boston from an expedition to the northeastern frontier of Maine, where he had established posts for protection against the tribes who were threatening a second Indian war, was seized and imprisoned by a popular uprising. In New York the agitation was as intense. Nicholson, the lieutenant-governor, unequal to the emergency, let slip the grasp of power from his hand; and on the open revolt of Leisler, one of the militia captains, who seized the fort, he determined to sail for England, and the control of the province passed to a committee of safety. The revolt of Leisler forms the opening of a new chapter in the story of the New York province.

CRITICAL ESSAY ON THE SOURCES OF INFORMATION.

THERE are several comprehensive general histories of what is now the State of New York. The first edition[1] of Smith's History was dedicated to the Earl of Halifax, First Lord Commissioner of Trade and Plantations. The dedication bears date New York, June 15, 1756. It is illustrated with a folding frontispiece plate, entitled "The South View of Oswego on Lake Ontario." In his Preface the author states that his researches while engaged under appointment of the New York Assembly in a review and digest of the laws of the province, a work in which he was associated with William Livingston, induced the preparation of this the first History of the colony. He excuses himself from an attention to details, which he considered would not interest the British public, and declares his purpose to confine himself to a "summary account of the first rise and present state" of the colony. He presents it as a "narrative or thread of simple facts," rather than as a history.

A second edition of this work appeared at London in 1776, from the press of J. Almon. It is a reprint in an octavo volume of three hundred and thirty-four pages. The troubles with the colonies and the important position of New York as the headquarters of the British army no doubt prompted this venture.

An American edition next appeared, in April, 1792, from the press of Mathew Carey, at Philadelphia, in an octavo volume of two hundred and seventy-six pages. It was announced "to the citizens of the United States as the first part of a plan undertaken at the desire of several gentlemen of taste, who wish to supply their libraries with histories of their native country." The titlepage describes it as "The Second Edition," Almon's reprint having been ignored by Carey. The copy in the Library of the New York Historical Society is illustrated with a "Frontispiece View of Columbia College, in the City of New York," from the plate originally engraved for the *New York Magazine* of 1790.

[1] *The History of the Province of New York, from the first Discovery to the year MDCCXXXII. To which is annexed a Description of the Country, with a short Account of the Inhabitants, their Trade, Religious and Political State, and the Constitution of the Courts of Justice in that Colony.* By William Smith, A.M. London; MDCCLVII., 4to, pp. 255.

Another edition appeared at Albany, from the press of Ryer Schermerhorn, in 1814, an octavo volume of five hundred and twelve pages. The anonymous editor, supposed to have been Mr. J. V. N. Yates, states in his Advertisement, that in "copying Smith's History few deviations from his mode of spelling the names of places, particularly such as are derived from the aboriginal tongues, have been made. It is believed that he [Smith] adopted the mode of spelling which conveyed most clearly the sound of Indian words." Mr. Yates intended to add a "Continuation from the year 1732 to the commencement of the year 1814," but these additions stopped at 1747.

A French translation of Smith's History, by M. Eidous, appeared in Paris in 1767, and bears the imprint "Londres." It is a duodecimo of four hundred and fifteen pages.

Smith, the historian, who died Chief-Justice of Canada, left behind him a continuation of his *History of New York*, written by his own hand. It covers the period from 1732 to 1762. This interesting manuscript was communicated to the New York Historical Society in 1824 by William Smith, son of the author, then a distinguished member of the King's Council in Canada, and also well known as the author of the History of that province. In his note to the Society, Mr. Smith states that "the Continuation of the History is as it was left by the author, with only a few verbal alterations and corrections." The manuscript appeared in print for the first time in 1826, as the fourth volume of the *Collections* of the New York Historical Society, an octavo of three hundred and eight pages. Copies of Smith's original volume having become rare, the Society determined to reprint it from the author's corrected and revised copy in a form similar to that in which they had published the Continuation, and in 1829 the work appeared complete for the first time. It was accompanied by a memoir of the author, written by his son. In making up sets of the Society's *Collections*, the complete work is generally bound as vols. iv. and v. of the first series.

The next year, 1830, the Society issued a second edition of the complete work; also an octavo in two volumes, but printed in larger type and on better paper. This edition bears the press-mark of "Gratton, Printer." Interesting sketches of the historian, with notices of his family, prepared by Mr. Maturin L. Delafield, appeared in the *Magazine of American History*, April and June, 1881. A small edition was struck off for Mr. Delafield for private distribution, illustrated with portraits.

Several criticisms on Smith's History have appeared in print: "Remarks on Smith's History of New York, London Edition, 1757, in Letters to John Pintard, Secretary of the New York Historical Society, by Judge Samuel Jones," written in 1817 and 1818, were printed in the *Collections* of the New York Historical Society, vol. iii., 1821; "Correspondence between Lieutenant-Governor Cadwallader Colden and William Smith, Jr., the Historian, respecting certain alleged Errors and Misstatements contained in the *History of New York*, with sundry other Papers relating to that Controversy," printed in the *N. Y. Hist. Soc. Coll.* (second series, vol. ii., 1849); "Letters on Smith's History of New York, by Cadwallader Colden," printed in the *N. Y. Hist. Soc. Coll.* (Fund series), in 1868; "Letter of Cadwallader Colden on Smith's History, July 5th, 1759," *N. Y. Hist. Soc. Coll.* (Fund series), 1869.

The late Hon. Benjamin F. Butler, of New York, in an able discourse before the Albany Institute, April, 1830, gives a fair and impartial estimate of the value of Smith's History. He notices the incomplete and summary manner in which the earlier period was disposed of, and ascribes it to the insufficient information within the reach of the author and his want of acquaintance with the Dutch language, in which the ancient records of the colony were written.[1] The posthumous work he condemns as "written in the spirit of a partisan," and therefore to be received with caution, if not distrust. Yet he freely acknowledges the deep indebtedness of the State and of the friends of

[1] [Of Smith and his History O'Callaghan (ii. 64) says: "Smith knew about as little of the history of New Netherland as many of his readers of the present day." — Ed.]

learning for the mass of authentic information discovered by him. With this judgment scholars generally concur. In reading the pages of this the first of the historians of New York, it must be borne in mind that Smith was one of the leaders of the Dissenting element in the New York colony, and at a time when religious partisanship was at its height.[1]

The second general history of New York was that of Macauley.[2] Its first volume treats "of the extent of the State, its mountains, hills, champaigns, plains, vales, valleys, marshes, rivers, creeks, lakes, seas, bays, springs, cataracts, and canals; its climate, winds, zoology," etc. The second, "of the counties, cities, towns, and villages; antiquities of the west; origin of the Agoneaseah, their manners, customs, laws, and other matters; discovery of America; voyages of Cabot and Hudson; settlements of the New Netherlands by the Dutch in 1614; location of the Indian tribes; controversies between the Dutch and English; surrender in 1664, and thence to 1750." The third volume covers "the war between England and France for the conquest of Canada, the war of the Revolution, and other matters which occurred, etc." The leaning of the author is, as these words imply, essentially towards the physical features of the State. He himself calls it a compendium, or abridged history. The reader will find little original matter of an historical nature.[3]

The author of the next general history of the State[4] is well known as the historian of the American Theatre and of the Arts of Design in America, both commendable works. With the taste of an antiquary, Mr. Dunlap has gathered some curious details; but *The History of the New Netherlands*, etc., has little merit as historical authority. The first volume passed through the press during the fatal illness of the author; the second was supervised by a friend who apologized for his want of "intimacy with the subject." It appeared after the author's death. The main value of the work consists in the abstracts published as an appendix to the second volume.[5]

A much more thorough work followed, a dozen years later, when Mr. Brodhead began his History.[6] Its two volumes comprise all the known information concerning the period they cover, up to the time of publication. Mr. Brodhead by birth and education was eminently qualified for his ponderous task. He united in his blood the English and Dutch strains; on the father's side being descended from one of the English officers, who came out with Nicolls at the time of the conquest. A lawyer by profession, he was attached to the legation at the Hague, and was commissioned by the State of New York to procure original materials relating to its early history. In this labor he spent three years in the archives of England, Holland, and France. At his death he left manuscript material for a third volume, which it is the hope of students may yet be made accessible. He divides his work into four marked periods: The first, from the discovery, in 1609, to its conquest by the English in 1664; the second carries the story down to 1691. The treatment is of the most exhaustive character, and the work is a monument of literary industry and careful execution. The authorities are in all cases given in foot-notes. The sympathies of the author are plainly with Holland in the original struggle, and later with New York in her occasional antagonism to the influence of New England. While the reader may sometimes smile at his enthusiasm and differ from his opinions, he will

[1] [Cf. Mr. Fernow's estimate of Smith in Vol. IV. Also, *Hist. Mag.*, xiv. 266. — Ed.]

[2] *The Natural, Statistical, and Civil History of the State of New York*, in three volumes, by James Macauley. New York, 1829. 8°.

[3] [Cf. Mr. Fernow's estimate in Vol. IV. — Ed.]

[4] *History of the New Netherlands, Province of New York, and State of New York, to the Adoption of the Federal Constitution.* In two volumes. By William Dunlap. Printed for the author by Carter & Thorp, New York, 1839–1840. 2 vols. 8vo.

[5] [Cf. Mr. Fernow's estimate in Vol. IV. — Ed.]

[6] *History of the State of New York*, by John Romeyn Brodhead. First period, 1609–1664. New York, 1853; second edition, 1859. Second period, 1664–1691. New York, 1871. Harper & Brothers, New York. 2 vols. 8vo. Mr. Brodhead was born Jan. 21, 1814, and died May 6, 1873.

find no occasion to quarrel with his candor. The tendency of his mind will be found legal rather than judicial. His chief merit is his admirable co-ordination of an immense mass of material, covering a vast circuit of investigation.[1]

EDITORIAL NOTES.

A. SPECIFIC AUTHORITIES. — More particular mention of such sources as pertain jointly to the Dutch and English rule in New York is made in Mr. Fernow's chapter on "New Netherland," in Vol. IV.

Chalmers' *Political Annals of the Present United Provinces* reviews the English rule; but Brodhead (i. 62) considers that Chalmers's treatment is biased, and grossly misrepresents the facts.

The documents in Hazard's *Historical Collections of State Papers* which relate to New York were reprinted in 1811 in the *N. Y. Hist. Soc. Coll.*, i. 189–303, and in the printed series published by the State under the editing of Dr. O'Callaghan, an account of which can better be made, unbroken between the Dutch and English portions, in connection with Mr. Fernow's chapter. Various papers of importance, however, have appeared in the *Collections* and *Proceedings* of the New York Historical Society, and others are in the *Manual of the City of New York*, edited for thirty years, since 1841, successively by Valentine and Shannon. The journals of the Council and Assembly of the Colony of New York are rich in material.

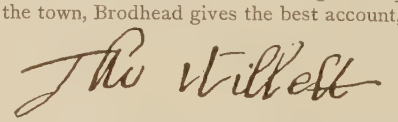
Some original documents have appeared in connection with inquiries into the history of the boundaries of the State: *Report to ascertain and settle the Boundary Line between New York and Connecticut*, Feb. 8, 1861; *Report on the Boundaries of New York*, Albany, 1874; papers of Dawson, Whitehead, etc., in *Historical Magazine*, xviii. 25, 82, 146, 211, 267, 321. Cf. also C. W. Bowen's *Boundary Disputes of Connecticut*, Boston, 1882, part iv.

At a commemoration of the English conquest of 1664, held by the New York Historical Society in 1864, the oration was fitly made by Mr. Brodhead. *Historical Magazine*, viii. 375. The first printed Dutch report of the capture is given in the *Kort en bondigh Verhael*, Amsterdam, 1667, p. 27; cf. Asher's *Essay*, no. 354. The list of those in New York city who took the oath, October, 1664, is given in Valentine's *Manual*, 1854. The patent of March 12, 1664, granted the Duke of York, under whose authority the conquest was made, is given in Brodhead's *New York*, ii. 651; cf. also Leaming and Spicer's *Grants, etc. of New Jersey*, p. 3, and *New York Colonial Documents*, ii. 295. Charles E. Anthon, in the *Magazine of American History*, September, 1882, urges that a commemorative sculpture be placed in Central Park, to preserve the memory of the royal Duke whose twin titles of York and Albany are borne by the two chief cities of the State.

The Clarendon Papers, 1662–67, covering this early period of the English rule, are in the *N. Y. Hist. Soc. Coll.* (Fund series), vol. ii. The important code known as the Duke's Laws are also in the same Society's *Collections*. Mr. O. H. Marshall examines the charters of 1664 and 1674 in the *Magazine of American History*, viii. 24.

A few of the letters of Nicolls and Lovelace to the Secretary of State, dated prior to 1674, are in the London State-Paper Office, but not till that year does the regular record seem to begin. Brodhead, ii. 261.

Of Thomas Willett, the first English mayor of the town, Brodhead gives the best account, in



his *History of New York*, ii. 76, which may be supplemented by the account of his family given in the *N. E. Hist. and Geneal. Reg.*, ii. 376; xvii. 244. Cf. also Dr. John F. Jameson on the origin and development of municipal government in

[1] [Cf. Mr. Fernow's estimate of Brodhead in Vol. IV., where, in the chapter on New Netherland, an examination is made of the labors of Brodhead and others in amassing and arranging the documentary history of the State. — ED.]

New York city, in *Magazine of American History*, 1882. The *Manual* published successively by Valentine and Shannon preserves much information regarding the city's history. Cf. General De Peyster on "New York and its History," in *International Review*, April, 1878, and Mrs. Lamb's *History of New York City*, and other local monographs, of which further mention is made in the notes to Mr. Fernow's chapter, in Vol. IV.

The English occupation of New York was confirmed by the Treaty of Breda, July 31, 1667. The original Latin and Dutch of its text appeared at the Hague in 1667. (Muller, *Books on America*, 1872, p. 119; Stevens, *Historical Collections*, vol. i. no. 31.) A contemporary engraving of the signing is in the *Kort en bondigh Verhael*, Amsterdam, 1667. (Stevens, no. 1079; Muller, *Books on America*, 1877, nos. 1697, 2268.) There was a French edition published at Amsterdam in 1668. (*Recueil van de Tractaten*, Hague, 1684).

The Dutch bibliographies refer to scores of pamphlets launched against Sir George Downing, the English diplomat who is charged with instigating the war with England (1663–67), and not infrequently assigning his animosity towards the Dutch to feelings engendered in his early New England home, Downing being a nephew of Governor Winthrop, and a graduate of Harvard College. (Sibley's *Harvard Graduates*, i. 28, with a list of authorities, p. 51, and the *Carter-Brown Catalogue*, ii. 959, 975. Cf. on Downing's agency, O'Callaghan's *New Netherland*, ii. 515; Palfrey's *New England;* Brodhead's *New York* and his *Colonial Documents of New York;* and R. C. Winthrop's paper in 5 *Mass. Hist. Coll.* vol. i.)

On the Dutch side, Aitzema's *Historie van Saken van Staet en Oorlogh*, 1621–1668, Hague, 1657–1671, is a vast repository of documentary evidence, vol. iv. covering Downing's period, and vol. vi. giving the negotiations of Breda. The best edition, with a supplement by Sylvius, was published in eleven volumes in 1669–1699. (Muller, *Books on America*, 1877, no. 47.) Sabin, *Dictionary*, v. 20,783, etc., gives various titles of Downingiana, and a full list of Downing's works is given by Sibley, *Harvard Graduates*, i. 48. The Dutch also charged upon Downing the initiative in "curbing the progress and reducing the power" of their State through the Navigation Acts of 1651 and 1660; cf. Upham, in *Hunt's Merchants' Magazine*, iv. 407.

The relations of the new English province with the French and Indians are particularly illustrated in the papers relating to De Courcelles and De Tracy's expedition against the Mohawks (1665), published in the *Documentary History of New York*, vol. i., where will also be found the documents concerning Denonville's expedition against the Senecas and into the Genesee country in 1687. Cf. also the narrative of Denonville with O. H. Marshall's notes, in 2 *N. Y. Hist. Soc. Coll.*, ii. 149. For the expedition against Schenectady, 1689–90, see *N. Y. Hist. Soc. Proc.*, 1846, p. 137; cf. *Historical Magazine*, xiii. 263, by J. G. Shea. A further treatment of the French and Indian wars is made in Vol. IV.

The Hon. Henry C. Murphy found in Holland the *Relation de sa Captivité parmi les Onneiouts en* 1690–91, by Father Millet, the Jesuit, and it was edited by Mr. Shea in New York in 1864. Field, *Indian Bibliography*, no. 1063, says that with the narrative of Jogues it gives us nearly all we know from personal observation of the Five Nations at this time. Further references to the literature of the aboriginal occupation will be given in Mr. Fernow's chapter.

Regarding the seals of the province, see *Documentary History of New York*, vol. iv., for various engravings. (Cf. *Historical Magazine*, ix. 177, and Valentine's *Manual*, 1851.) Reports on the Province, 1668–1678, are in the *Documentary History of New York*, vol. i.; and in vol. iii. the papers on Manning's surrender in 1673, and the subsequent restoration.

Of the Catholic Governor Dongan there are special treatments by R. H. Clarke in the *Catholic World*, ix. 767, and by P. F. Dealy, S. J., in *Magazine of American History*, February, 1882, p. 106. Dongan's report on the state of the province, 1687, is in the *Documentary History of New York*, vol. i. A view of his house is given in Lamb's *New York*, i. 326.

Upon Andros's rule, compare the general historians, and *Memorial History of Boston*, vol. ii. chap. 1.

Something will be said of the more specific local histories, covering both the Dutch and English periods, in connection with Mr. Fernow's chapter in Vol. IV.

The news of the movements in the province, both under the Dutch and English rule, as it reached Europe, is recorded in *De Hollandsche Mercurius*, 1650–1690, a periodical. Cf. Asher's *Essay*, p. 220; Muller's *Catalogue* (1872), p. 104 (1877), no. 2,100; Sabin's *Dictionary*, viii. p. 378.

B. Views, Maps, and Descriptions of New York and the Province under English Rule. — *Views.* The earliest views of New Amsterdam date back to the Dutch period, the first being that in the *Beschrijvinghe van Virginia*, etc., 1651, of which a fac-simile is given on the title of Asher's *List of Maps*, Amsterdam, 1851, and in the *Popular History of the United States*. The next appeared on the several maps issued by N. J. Visscher, Van der Donck, Allard (first map), Nicolas Visscher (first map), and Danckers. It is seen in the heliotype of Van der Donck's map given in Vol. IV., and in the engraving of the Visscher

NEW YORK, OR NEW AMSTERDAM, 1673.

map, in Asher's *List*.[1] A view very like this is that given on p. 124 of Arnoldus Montanus's *De Nieuwe en Onbekende Weereld of Beschryving van America*, a sumptuous folio printed at Amsterdam, 1671, and at present variously priced from $5 to $20. Cf. *Carter-Brown Catalogue*, ii. 1,066, with fac-simile of title.

The same picture is reproduced in the later, 1673, edition of Montanus, p. 143, and in Ogilby's *America*, 1671, p. 171, where the description also follows Montanus, with aid from Denton. (*Carter-Brown Catalogue*, ii. 1,067, 1,092.) Montanus's account is translated in the *Documentary History of New York*, iv. 75, 116, with a fac-simile of the view in question. Cf. also Gay's *Popular History of the United States*, iii. 1, and the fac-simile issued, with descriptive notes, by J. W. Moulton in 1825 as *New York One Hundred and Seventy Years Ago;* and Watson's *Olden Times in New York*, 1832.

The picture is also given in fac-simile in Mr. Lenox's edition of Jogues's *Novum Belgium*, edited by J. G. Shea, and in *N. E. Hist. and Geneal. Reg.*, July, 1882, with a paper by J. R. Stanwood on the settlement of New Netherland. Muller, of Amsterdam in one of his catalogues, of recent years, offered for 250 marks a water-color drawing made in 1650, which he claimed as the original sketch upon which the engraver in Montanus worked. Muller, *Catalogue of American Portraits*, etc., no. 305. This view is now in the New York Historical Society's Library. It is inscribed "In 't schip Lydia door Laurens Harmen Z^a Block, A^o 1650." There is no record of any ship of such name arriving at New Amsterdam, and this together with certain changes in the picture, as compared with Montanus, have led good judges to suspect that it is a copy of that view, by one who was never in New Amsterdam, rather than its original. The paper and frame are old, at all events.

A view purporting to represent the town in 1667 is given in Valentine's *New York City Manual*, 1851, p. 131, and in his *History of New York City*, p. 71.

The view of which an engraving is herewith given is from a map entitled *Totius Neobelgii nova et accuratissima tabula, . . . Typis Caroli Allard, Amstelodami.*

The reference-key to the view is as follows:—

A. Fort Orangiensche oft N. Albanische Jachten.

B. Vlagge-spil, daer de Vlag wordt opgehaelt, als-ercomen schepen in dese Haven.

C. Fort Amsterdam, genaemt Jeams-fort bij de Engelsche.

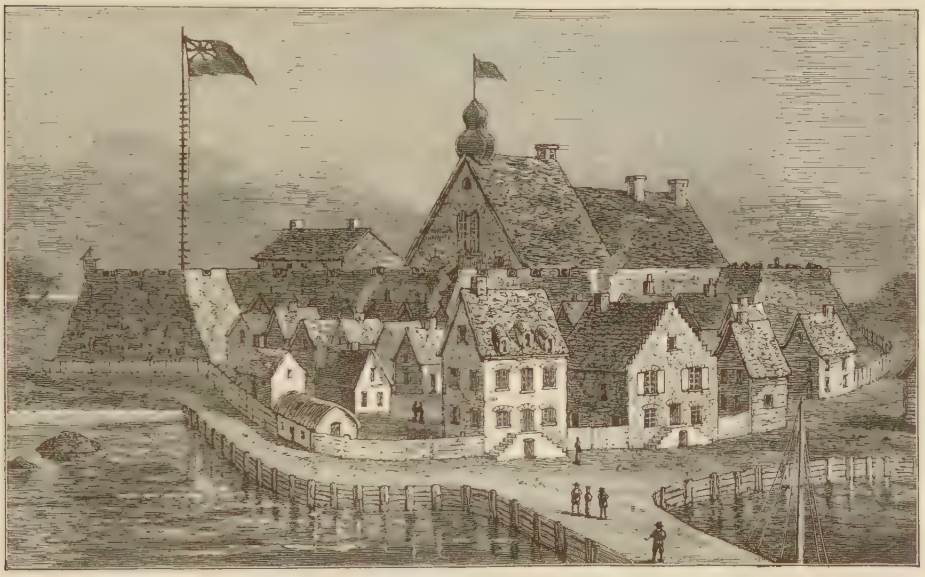
D. Gevangen-huijs.
E. Gereformeede Kerck.
F. Gouverneurs-Huijs.
G. 't magazijn.
H. De Waeg.
I. Heeren-gracht.
K. Stadt huijs.
L. Luthersche Kerck.
M. Waterpoort.
N. Smidts-vallij.
O. Landtpoort.
P. Weg na 'tversche Water.
Q. Wint-molen.
R. Ronduijten.
S. Stuijvesants Huijs.

T. Oost-Rivier, lopende tusschen 't Eijlant Manhatans, en Jorckshire, oft 't lange Eijlandt.

[1] See also Bowden's *Friends in America*, i. 309; Lamb's *New York*, i. 180; Valentine's *Manual*, 1842–43, p. 147; Gay's *Popular History of the United States*, ii. 236.

The view is inscribed: "Nieuw-Amsterdam, onlangs Nieuw jorck genamt, ende hernomen bij de Nederlanders op den 24 Aug., 1673, eindelijk aan de Engelse weder afgestaan." It took the place of the engraved view, already mentioned as appearing in the first edition of Allard's map, and was probably etched by Romeyn de Hooghe, a distinguished artist of the day, when Hugo Allard retouched his old plate to produce an engraved map to meet the interest raised by the recapture of the town. It also did service in the later issues of the same plate by Carolus Allard and the Ottens, and was reproduced in an inferior way by Lotter on his map. See Asher's *List of Maps and Views*, p. 20. A view of 1679 is given on a later page, with its history.

The annexed cut of the Strand follows a view in *The Manual of the City of New York*, 1869, p. 738. The Central House, with three windows in the roof, was the earliest brick house built in the town, and was at one time the dwelling of Jacob Leisler, and had been built by his father-in-law, Vanderveen; cf. the narrative in the *Manual*. It is also engraved in Gay's *Popular History of the United States*, iii. 14. Other houses of this period are shown in the *Manual*, 1847, p. 371, 1858, p. 526, and 1862, p. 522; in Valentine's *History of New York City*, pp. 177, 214, 319; in Riker's *Harlem*, p. 454 (Dutch Church of 1686), etc.



THE STRAND, NEW WHITEHALL STREET, NEW YORK.

Maps. An account of the maps of the Dutch period is given in Vol. IV. For the English period, the earliest of the town of New York was probably that supposed to have been sent home by Nicoll (1664–68) after his occupation, and of which a portion is herewith given.

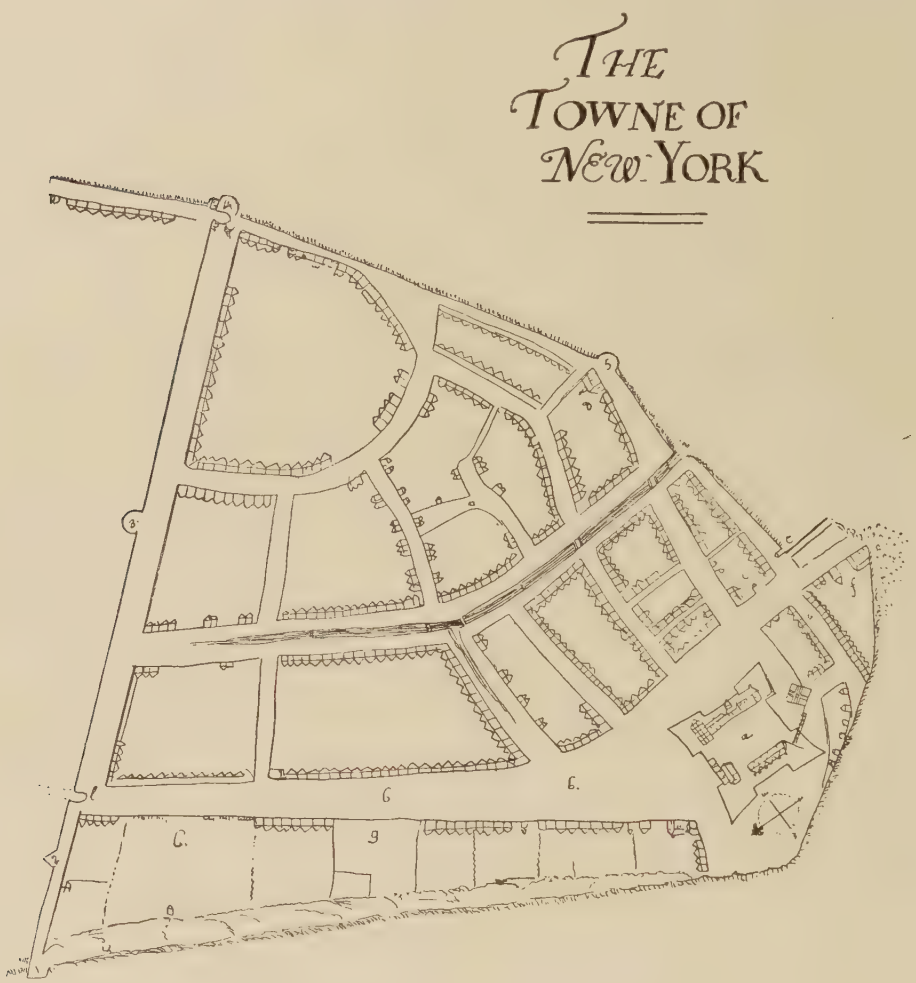
Of about the same date is the original of the Hudson River Map (1666), which will be found in the next volume. Then came the map of the province by Nicolas Visscher, issued in the first edition of his *Atlas Minor* about 1670.[1] Not far from the same time (1671) appeared the map which is common to Montanus's *Nieuwe en Onbekende Weereld* and to Ogilby's great folio *America*, which shows the coast from the Penobscot to the Chesapeake, and is entitled "Novi Belgii, etc., delineatio." It closely resembles Jansson's earlier map. The Allard map of 1673, from which our engraved view is taken, was the second by that cartographer of New Netherland, who retouched the plate of the earlier one, which had been mainly a reproduction of N. J. Visscher's, as the later one of Schenk and Valch (1690) was. Asher says (nos. 13, 15, 16) that Allard in this second map confined his additions to new names in the Dutch regions. The same plate was later used by Carolus Allard, and as late as 1740–50 by Ottens.

About 1680, in Danckers' Atlas, published at Amsterdam, is found a map, "Novi Belgii,

[1] There were later enlarged editions in 1680 and 1705, or of about those dates. Muller, *Catalogue* (1877), no. 3,389.

etc., tabula, multis in locis emendata a J. Danckers," which, however, in Asher's opinion was but a revamping of the earlier Visscher plate.[1] The map which N. J. Visscher published about 1640 was reissued about 1690 by Nicolas Visscher, "Novi Belgii, etc., tabula, multis in locis emendata," making use of the work of Montanus and others, by J. P. Bourjé, and appeared in Lambrechtsen's *Korte Beschryving*, Middelburg, 1818. The maps of Nicolas Visscher in Sanson's *Atlas Nouveau* (1700), and of Henry Hondius and Homan, belong to a later period.

Of the charts of the coast about New York, there were two standard atlases of this period,



SKETCH PLAN OF NEW YORK CITY, 1664–68.[2]

Allard, of which there were also later issues. (Asher's *List*, no. 14; Muller, no. 2,276.) An eclectic map, showing the province at this period, was made up from Montanus, Roggeveen, and the *Zee-Atlas* of Pieter Goos, of which there were editions in 1666, 1668, 1673, 1675, 1676, — some of them with French text. (Asher's *List*, no. 22–24; Muller's *Catalogue*, 1877, no. 1254.) Better

[1] Cf. Mr. Fernow's chapter in Vol. IV. It was afterwards followed in part in Lotter's map. (Asher's *List*, no. 20.)

[2] This is a reduced reproduction of the fac-simile in Valentine's *New York City Manual*, 1863, of one of the sheets of Nicoll's map of Manhattan Island, preserved in the British Museum. It bears an attestation of correct correspondence with the original, from Richard Simms, of the Museum, who transmitted in 1862 the copy to George H. Moore, then of the Historical Society. Cf. also another representation in Valentine's *Manual*, 1859, p. 548, and in his *History*, p. 226.

THE STADTHUYS IN NEW YORK, 1679. — BREVOORT'S DRAWING.

executed are the charts in the special American collection issued at Amsterdam by Arent Roggeveen under the title of *Het Eerste Deel van het Brandende Veen*, 1675, and known in the English edition as *The Burning Fen.* Asher also adds the charts of Van Keulen, remarking, however, upon their inaccurate coast-lines.

Descriptions. Edward Melton was in New

THE STADTHUYS, 1679. — ORIGINAL SKETCH.

York in 1668, and in his *Zee- en Landreizen*, Amsterdam, 1681, and again 1702, he gives a detailed description of the place, borrowing somewhat from Montanus. (Asher's *Essay*, no. 17; and *Carter-Brown Catalogue*, ii. 1,221, which says the later editions were issued in 1704–1705.) Though an Englishman, his account was not published in the original, and we owe the earliest one in English to Daniel Denton, whose *Brief Descriptions of New York* appeared in London in 1670. It is now very rare. (Sabin's *Dictionary*, v. 350.) It is a small quarto, and Rich priced it in 1832 at £1 12*s*. There are copies in Harvard College Library; in the State Library, Albany; besides two copies in the Carter-Brown Library, with different imprints. (*Catalogue*, ii. 1,038.) Sabin, in the *Menzies Catalogue*, says he had sold a copy for $275, and at that sale it brought $220. (Cf. *Brinley Catalogue*, no. 2,778.) It was reprinted by the Pennsylvania Historical Society in 1845, 16 pp., and by Wm. Gowan in New York the same year, with an Introduction by Gabriel Furman, 57 pp.

A few years later we have another description in the *Journal of a Voyage to New York*, 1679–80, by Jasper Dankers and Peter Sluyter, which was translated from the original Dutch manuscript by Henry C. Murphy, and, enriched by an Introduction from the same hand, appeared in 1867 as vol. i. of the *Memoirs* of the Long Island Historical Society, and also separately. Some particulars of Danckaerts or Dankers are noted in *Mass. Hist. Soc. Proc.*, 1874, p. 309. The MS., when found by Mr. Frederick Muller, of Amsterdam, from whom Mr. Murphy procured it, was accompanied by certain drawings of the town, seemingly taken on the spot. These are given in Mr. Murphy's volume in fac-simile, with descriptions by Mr. J. Carson Brevoort, who has also re-drawn certain parts of them with better perspective, and other rectifications. The re-drawings are also engraved. The originals consist: (1) of a view of the Narrows, looking out to sea; (2) of a long panoramic view of the town as seen from the Brooklyn shore; (3) the East River shore looking south; (4) a view down the island from the northern edge of the settlement, with the Hudson River on the right, and a supposable East River on the left. The views which Mr. Brevoort has rectified are no. 4; the Stadthuys, with adjacent buildings and half-moon battery, extracted from no. 2; and three parts of no. 3, namely the Dock, the Water-gate (foot of Wall Street), and the shore north of the Water-gate. A reduction of the Brevoort Stadthuys view and the original, full size, are given herewith. This building stood on the corner of Pearl Street and Coentys slip, was erected as a city tavern in 1642, became a city hall in 1655, and was torn down in 1700. The battery when built projected into the river. There are other views of the Stadthuys given in Valentine's *Manual*, (1655–56) p. 336, (1852) p. 378, (1853) p. 472; his *History*, p. 52; Lamb's *New York*, i. 106; Gay's *Popular History of the United States*, ii. 139, etc. Mr. J. W. Gerard published a monograph in 1875, *Old Stadthuys of New Amsterdam*.

In the train of Andros, and as his chaplain, a Rev. Charles Wooley came to New York in 1678, and his *Journal of Two Years* was published in 1701. (*Historical Magazine*, i. 371.) There is a copy in Harvard College Library. It was edited in 1860, with notes by Dr. O'Callaghan, as Gowan's *Bibliotheca Americana*, no. 2; and no. 3 of the same series, J. Miller's *Description of the Province and City of New York* (1695), though of a little later date, is best examined in the same connection. It is edited by John G. Shea, as Gowan printed it in 1862. Cf. also C. Lodwick's "New York in 1692," in 2 *N. Y. Hist. Coll.*, vol. ii.

CHAPTER XI.

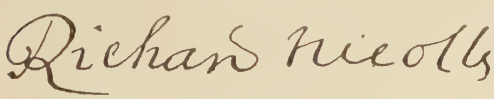
THE ENGLISH IN EAST AND WEST JERSEY. 1664–1689.

BY WILLIAM A. WHITEHEAD.

Corresponding Secretary of the New Jersey Historical Society.

ALTHOUGH that portion of the American Continent known as New Netherland was within the limits claimed by England by virtue of Cabot's discovery, yet those in possession, from the comparatively little interest taken in their proceedings, remained undisturbed until 1664.[1] There had been some attempts on the part of settlers in Connecticut and on Long Island to encroach upon lands in the occupancy of the Dutch, or to purchase tracts from the Indians otherwise than through their intervention, yet nothing had resulted therefrom but estrangement and animosity. An application for the aid of the Royal government was the consequence, and Charles II. was induced to countenance the complaints of his North American subjects, and to enforce his right to the lands in question.

To effect the ends in view, a charter was granted to James, Duke of York, — Charles's brother, — for all the lands lying between the western side of Connecticut River and the east side of Delaware Bay, including Long Island, Nantucket, Martha's Vineyard, and the islands in their vicinity. This charter was dated March 12, 1663/4, and the following month a fleet of four vessels, having on board a full complement of sailors and soldiers, was despatched to eject the Dutch and put the representatives of the Duke of York in possession. The fleet arrived in August, and articles of capitulation were signed on the 19th (20th) of the same month. Colonel Richard Nicolls, who commanded the expedition, received the surrender of the Province the following day; and in October Sir Robert Carr secured the capitulation of the settlements on the Delaware. By the treaty of Breda, in 1667, the possession of the country was confirmed to the English.[2]



[1] [See a chapter in Vol. IV. for the Dutch rule. — ED.]

[2] [See this volume, chap. x., for the English Conquest. — ED.]

Although, as the pioneers of civilization, the Hollanders had developed, to a considerable extent, the resources of what is now New Jersey, yet the cultivation of the soil and the increase of population, during the half century that had elapsed since their first occupancy, were by no means commensurate with what might have been expected. Settlements had been made on tracts known as Weehawken, Hoboken, Ahasimus, Pavonia, Constable's Hook, and Bergen, on the western banks of the Hudson River, opposite New Amsterdam, but of their population and other evidences of growth nothing definite is known. On the Delaware, Cornelius Jacobsen Mey, in 1623, under the auspices of the West India Company of Holland, and David Pieterson de Vries, in 1631, attempted to colonize South Jersey at Fort Nassau; but to the Swedes must be accorded the credit of making the first successful settlements, though few in number and insignificant in extent.[1] These, in August, 1655, were surrendered to the Dutch under Peter Stuyvesant, and they had experienced very little growth or modification when surrendered to Sir Robert Carr in 1664.

Before the Duke of York was actually in possession of the territory, he had executed deeds of lease and release to Lord John Berkeley, Baron of Stratton, and Sir George Carteret, of Saltrum. The documents bore the dates of June 23 and 24, 1664, and granted all that portion of his American acquisition —

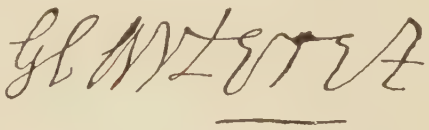
"lying and being to the westward of Long Island and Manhitoes Island, and bounded on the east part by the main sea and part by Hudson's river, and hath upon the west Delaware bay or river, and extending southward to the main ocean as far as Cape May at the mouth of Delaware bay, and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a straight line to Hudson's river in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of *New Cæsaria* or *New Jersey*."

The two courtiers, placed in these important and interesting relations to the people of New Jersey, were doubtless led to enter into them from being already interested in the Province of Carolina, and from their associations with the Duke of York. Sir John Berkeley had been the governor of the Duke in his youth, and in subsequent years had retained great influence over him. He, as well as Sir George Carteret, had been a firm adherent of Charles II.; and Carteret, at the Restoration, was placed in several important positions and was an intimate companion of James. Both Carteret and Berkeley were connected with the Duke in the Admiralty Board, of which he was at that time the head, and

[1] [See Vol. IV. for the Swedish rule. — ED.]

consequently enjoyed peculiar facilities for influencing him. The name of "Cæsaria" was conferred upon the tract in commemoration of the gallant defence of the Island of Jersey, in 1649, against the Parliamentarians, by Sir George Carteret, then governor of the island; but it was soon lost, the English appellation of "New Jersey" being preferred.

The grant to the Duke of York, from the Crown, conferred upon him, his heirs and assigns, among other rights and privileges, that of government, subject to the approval by the King of all matters submitted for his decision; differing therein from the Royal privileges conceded to the proprietors of Maryland and Carolina, which were unlimited. The Duke of York, consequently, ruled his territory in the name of the King, and when it was transferred to Berkeley and Carteret, they, "their heirs and assigns," were invested with all the powers conferred upon the Duke "in as full and ample manner" as he himself possessed them, including, as was conceived, the right of government, although it was not so stated expressly, — thus transferring with the land the allegiance and obedience of the inhabitants.

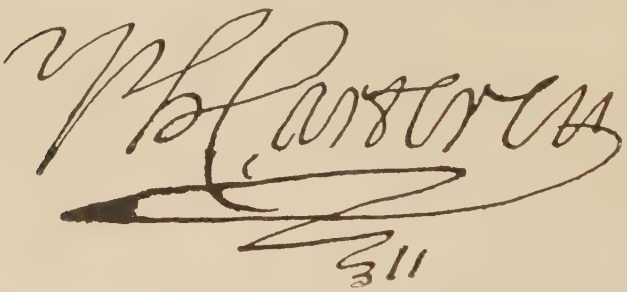


On Feb. 10, 1664/5, without having had any communication with the inhabitants, or acquiring a knowledge by personal inspection of the peculiarities of the country, Berkeley and Carteret signed an instrument which they published under the title of "The Concessions and Agreements of the Lords Proprietors of New Jersey, to and with all and every of the adventurers and all such as shall settle and plant there." This, the first Constitution of New Jersey, was regarded by the people as the great charter of their liberties, and respected accordingly. By its provisions the government of the Province was confided to a governor, a council of not less than six nor more than twelve to be selected by the governor, and an assembly of twelve representatives to be chosen annually by the freemen of the Province. The governor and council were clothed with power to appoint and remove all officers, — freeholders alone to be appointed to office unless by consent of the assembly, — to exercise a general supervision over all courts, and to be executors of the laws. They were to direct the manner of laying out of lands, and were not to impose, nor permit to be imposed, any tax upon the people not authorized by the general assembly. That body was authorized to pass all laws for the government of the Province, subject to the approval of the governor, to remain in force one year, during which time they were to be submitted to the Lords Proprietors. To encourage planters, every freeman who should embark with the first governor, or meet him on his arrival, provided with a "good musket, bore twelve bullets to the pound, with bandeliers and match convenient, and with six months' provisions for himself," was promised one hundred and fifty acres of land, and the like number for every man-servant or slave brought with him similarly provided. To females over the age of fourteen, seventy-five acres were

promised, and a similar number to every Christian servant at the expiration of his or her term of service. Those going subsequently, but before Jan. 1, 1666, were to receive one hundred and twenty acres, if master, mistress, or able man-servant or slave; and weaker servants, male or female, sixty acres. Those going during the fourth year were to have one half of these quantities.

In the laying out of towns and boroughs the proprietors reserved one seventh of the land to themselves. To all who might become entitled to any land, a warrant was to be obtained from the governor directing the surveyor to lay out the several tracts, which being done, a grant or patent was to be issued, signed by the governor and the major part of the council, subject to a yearly quit-rent of not less than one halfpenny per acre, the payment of which was to begin in 1670. Each parish was to be allowed two hundred acres for the use of its ministers. Liberty of conscience was guaranteed to all becoming subjects of England, and swearing allegiance to the King and fidelity to the Lords Proprietors; and the assembly of the Province was authorized to appoint as many ministers as should be thought proper, and to provide for their maintenance. Such were the principal provisions of this fundamental Constitution of the Province.

On the same day that the Concessions were signed, Philip Carteret, a distant relative of Sir George, was commissioned governor, and received his instructions. Preparations were at once made for his departure, accompanied by all such as were willing to emigrate to New Jersey; and in April he sailed, with about thirty adventurers and servants, in the ship "Philip," laden with suitable commodities. The vessel was first heard of as being in Virginia in May, and she arrived at New York on July 29. Here Carteret was informed that Governor Nicolls, in entire ignorance of the transfer of New Jersey to Lords Berkeley and Carteret, had authorized and confirmed a purchase made of the Indians, by a party from Long Island, of a tract of land lying on the west side of the strait between Staten Island and the main land, and that four families had emigrated thither. Nicolls had also confirmed to other parties a tract lying near to Sandy Hook, which they had purchased from the Indians. This led to the settlement of Middletown and Shrewsbury, in what is now Monmouth County, — the two grants laying the foundation for much subsequent trouble in the administration of the public affairs of the Province.



In consequence of these developments the prow of the "Philip" was directed by Carteret towards the new settlement at what is now Elizabeth; and arriving there early in August, he landed, as it is said, with a hoe upon

his shoulder, thereby indicating his intention to become a planter with those already there, and conferring upon the embryo town the name it now bears, after the lady of Sir George Carteret.

Among Carteret's first measures for the improvement of the Province was the sending of messengers to New England and elsewhere, to publish the Concessions and to invite settlers, — measures which resulted in a considerable accession to the population. The ship "Philip" returned to England in about six months, and brought out the next year "more people and goods" on account of the Proprietors; and other vessels, similarly laden, followed from time to time.

In 1666 a division of the Elizabethtown tract was effected, leading to the settlement of Woodbridge and Piscataway. Another settlement, — formed by immigrants from Milford, Guilford, Branford, and New Haven, and having a desire, they said in their agreement, "to be of one heart and consent, through God's blessing, that with one hand they may endeavor the carrying on of spiritual concernments, as also civil and town affairs according to God and a godly government," — became the nucleus of Newark (now the most populous city in New Jersey), only such planters as belonged to some one of the Congregational churches being allowed to vote or hold office in the town. These, with the settlements mentioned as having been begun under the Dutch administration, comprised all which for some years attracted immigration from other quarters. Thus gradually New Jersey obtained an enterprising, industrious population sufficiently large to develop in no small degree its varied capabilities.

The Indians were considered generally as beneficial to the new settlements. The obtaining of furs, skins, and game, which added both to the traffic of the Province and to the support of the inhabitants, was thus secured with less difficulty than if they had been obliged to depend upon their own exertions for the needed supply. The different tribes were more or less connected with or subordinate to the confederated Indians of New York, and the settlers in New Jersey enjoyed, in consequence, peculiar protection. As the Proprietors evinced no disposition to deprive them of their lands, but in all cases made what was deemed an adequate remuneration for such as were purchased, New Jersey was preserved from those unhappy collisions which resulted in such vital injury to the settlements in other parts of the country.

Governor Carteret did not think that any legislation was immediately necessary for the government of the people or administration of the affairs of the Province. The Concessions having been tried were found quite adequate to the requirements of the new settlements, but on April 7, 1668, he issued his proclamation ordering the election of two freeholders from each town to meet in a general assembly the ensuing month at Elizabethtown; and on May 26 the first Assembly in New Jersey began a session which closed on the 30th. During the session a bill of pains and penalties was passed, identical in some respects with the Levitical law. Other subjects

were considered; but "by reason of the week so near spent and the resolution of some of the company to depart," definite action was postponed until the ensuing session, which was held on November 3, in which deputies from the southern portion of the Province on the Delaware took part. A few acts were passed relating to weights and measures, fines, and dealings with the Indians; but on the fourth day of the session the Assembly adjourned *sine die*, the deputies excusing themselves therefor in a message to the Governor and Council, in which they say: —

"We, finding so many and great inconveniences by our not sitting together, and your apprehension so different to ours, and your expectations that things must go according to your opinions, they can see no reason for, much less warrant from the Concessions; wherefore we think it vain to spend much time in returning answers by meetings that are so exceeding dilatory, if not fruitless and endless, and therefore we think our way rather to break up our meeting, seeing the order of the Concessions cannot be attended to."

A proposition by the Governor and Council, that a committee should be appointed to consult with them upon the asserted deviations from the Concessions, was not heeded, and the Assembly adjourned. Seven years elapsed before another, of which there is any authentic record, met. There are intimations of meetings of deputies on two occasions in 1671; but what was done thereat is not known, excepting the establishing of a Court of Oyer and Terminer.

This neglect to provide for the regular meeting of the General Assembly of the Province was doubtless owing to the disaffection then existing among the inhabitants of what was subsequently known as the Monmouth Patent, including Middletown, Shrewsbury, and other settlements holding their lands under the grant from Nicolls, which has been mentioned. As they considered themselves authorized to pass such prudential laws as they deemed advisable, they were led to hold a local assembly for the purpose as early as June, 1667, at what is now called the Highlands; and not being disposed to acknowledge fully the claims of the Lords Proprietors, they refused to publish the laws passed at the first session of the General Assembly and would not permit them to be enforced within their limits, on the ground that the deputies, professedly representing them, had not been lawfully elected. Certain differences in the Nicolls grant, from the Concessions, were insisted on before the deputies representing those towns could be allowed to co-operate in any legislation affecting them.

These views were not acceded to, and the towns were consequently not represented in the Assembly of November, 1668, and the first open hostility to the government of Carteret was inaugurated. This, however, did not interfere materially with his administration of the affairs of the Province. In every other quarter harmony prevailed until the time came when, by the provisions of the Concessions, the first quit-rents became payable by those holding lands under the Proprietors. The arrival of March 25, 1670,

when their collection was to begin, introduced decided and, in many quarters, violent opposition. Information received from England of a probable change in the proprietorship, which promised a reannexation of New Jersey to New York, no doubt added to the apprehensions of the Governor and his Council, and gave encouragement to the disaffected among the people.

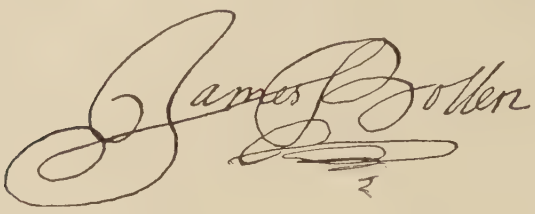
The Elizabethtown settlers, asserting their right to the lands confirmed to them by Governor Nicolls independent of the requisitions of the Concessions, became the central instruments of action for the disaffected. The claims of the Proprietors' officers, the oaths of allegiance which many of them had taken, as well as their duty to those whose liberal concessions constituted the chief inducements for settlement within their jurisdiction, were alike unheeded. The titles acquired through Nicolls they attempted to uphold as of superior force, and, following the example of Middletown and Shrewsbury, although on less tenable grounds, they were disposed to question the authority of the government in other matters. For two years there was a prevalent state of confusion, anxiety, and doubt.

On March 26, 1672, there was a meeting of deputies from the different towns; but the validity of such an Assembly, as it was called, the governor and council did not recognize. The proceedings are presumed to have had reference to the vexed question of titles; but the documents connected with the meeting were all suppressed by the secretary, who was also assistant-secretary of the council, and he acted, it is presumed, under their instructions. Another meeting was held at Elizabethtown on May 14, composed of representatives of Elizabethtown, Newark, Woodbridge, Piscataway, and Bergen; but assembling "without the knowledge, approbation, or consent" of the governor and council, they of course did not co-operate. The Concessions stipulated that the general assembly should consist of the "representatives, or the majority of them, with the governor and council," and their absence afforded an excuse for another step toward independence of the established authorities. The Concessions provided that, should the governor refuse to be present in person or by deputy, the general assembly might "appoint themselves a president during the absence of the governor or the deputy-governor;" and the assembly proceeded to do so (not, however, a president merely to preside over their deliberations and give effect to their acts, but a "president of the country," to exercise the chief authority in the Province), finding a ready co-operator in James Carteret, a son of Sir George, then in New Jersey on his way to Carolina, of which he had been made a landgrave.

He appears to have been courteously received by the authorities of the Province, from his near relationship to the proprietor, but his course argues little consideration for them or for the interests of his father. He did not hesitate to assume the chief authority; and, although the governor issued a proclamation denouncing both him and the body which had conferred authority upon him, yet power to enforce obedience seems to have been with

the usurper. Officers of the government were seized and imprisoned, and in some instances their property was confiscated.

Governor Carteret had deemed it advisable to seek his safety by taking up his residence in Bergen, where on May 28 he convened his council for deliberation. They advised him to go to England, to explain to the Lords Proprietors the situation of the Province, and to have his authority confirmed. This he did, taking with him James Bollen, the secretary of the council, and appointing John Berry deputy-governor in his absence. Their reception by the Proprietors was all that they could have expected or desired. Sir George Carteret sent directions to his son to vacate his usurped authority at once and proceed to Carolina; and the Duke of York wrote to Governor Lovelace, who had succeeded Nicolls in the Province of New York, notifying him, and requiring him to make the same known to the insurgents, that the claims they had advanced would not be recognized by him; and King Charles II. himself sent a missive to Deputy-Governor Berry confirming his authority and commanding obedience to the government of the Lords Proprietors. Other documents from the Proprietors expressed in temperate but decided language their determination to support the rights which had been conferred upon them, and some modifications of the Concessions were made, which circumstances seemed to require, conferring additional powers on the governor and council.



These various documents were published by Deputy-Governor Berry in May, 1673. They served to quiet the previous agitation, and to re-establish his authority. A certain time was allowed the malecontents to comply with the terms of the Proprietors; and the inhabitants of Middletown and Shrewsbury placed themselves in a more favorable position than those of other towns by asking for a suspension of proceedings against them until they could communicate with the authorities in England. This they did, throwing themselves upon their generous forbearance by relinquishing any special privileges they had claimed under the Nicolls patent, receiving individual grants of land in lieu thereof; and thereafter the relations between them and the proprietary government were always harmonious.

The government was resumed by the representatives of the Proprietors without any exhibition of exultation; and further to insure tranquillity and good conduct the deputy-governor and council issued an order with the intent "to prevent deriding, or uttering words of reproach, to any that had been guilty" of the insubordination.

In March, 1673, Charles II., in co-operation with Louis XIV. of France, declared war against Holland; and before the time expired, within which the proffered terms were to be acceded to by the inhabitants, the Dutch were again in possession of the country. The manner in which New Nether-

land had been subdued by the English prompted a like retaliation, and a squadron of five vessels was at once despatched against New York. The fleet was increased, by captures on the way, to sixteen vessels, conveying sixteen hundred men; and on August 8 possession of the fort was obtained, and for more than a year the authority of the States General was acknowledged. On the one hand, no harshness or disposition to violate the just rights of the inhabitants was manifested; while, on the other, imaginary injuries from the proprietary government led to a ready recognition of what might prove an advantageous change. The natural consequences were harmony and good-will.

The inhabitants generally were confirmed in the possession of their lawfully acquired lands, and placed on an equality, as to privileges, with the Hollanders themselves. Local governments were established for each town, consisting of six schepens, or magistrates, and two deputies toward the constitution of a joint board, for the purpose of nominating three persons for schouts and three for secretaries. From the nominations thus made the council would select three magistrates for each town, and for the six towns collectively a schout and secretary. John Ogden and Samuel Hopkins were severally appointed to these offices on the 1st of September.

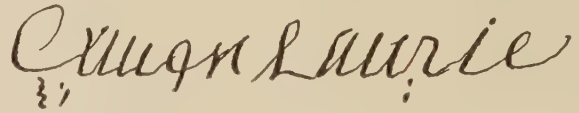
On November 18 a code of laws was promulgated "by the schout and magistrates of Achter Kol Assembly, held at Elizabethtown to make laws and orders," but it does not appear to have been framed with any reference to the English laws in force, which it was intended to subvert. It was singularly mild in the character and extent of the punishments to be inflicted on transgressors, the principal aim of the legislators apparently being the protection of the Province from the demoralizing effects of sensual indulgence and other vicious propensities; but the whole code soon became a nullity, through the abrogation of the authority under which it was enacted.

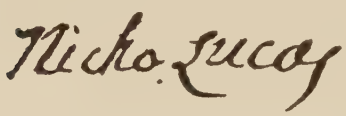
On Feb. 9, 1674, a treaty of peace was signed at Westminster, the eighth article of which restored the country to the English; and they continued in undisturbed possession from the November following until the war which secured the independence of the United States of America.

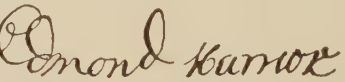
On the conclusion of peace the Duke of York obtained from the King a new patent, dated June 29, 1674, similar in its privileges and extent to the first; and on October 30 Edmund Andros arrived with a commission as governor, clothing him with power to take possession of New York and its dependencies, which, in the words of the commission included "all the land from the west side of Connecticut River to the east side of Delaware Bay." On November 9 he issued a proclamation in which he expressly declared that all former grants, privileges, or concessions, and all estates legally possessed by and under His Royal Highness before the late Dutch government, were thereby confirmed, and the possessors by virtue thereof to remain in quiet possession of their rights. King Charles on June 13, prior to the issuing of a new patent by the Duke of York, wrote a circular letter confirming in all respects the title and power of Carteret in East Jersey.

On July 28 and 29, 1674, Sir George Carteret received a new grant from the Duke of York, equally full as to rights and privileges, giving him individually all of the Province north of a line drawn from a certain "creek called Barnegat to a certain creek on Delaware River, next adjoining to and below a certain creek on Delaware River called Rankokus Kill," a stream south of what is now Burlington,—the sale of Berkeley's interest in the Province being evidently considered as leading to its division.

This had taken place on March 18, 167¾, Lord Berkeley disposing of his portion of the Province to John Fenwicke,— Edward Byllynge being interested in the transaction. As these two were members of the Society of Quakers, or Friends, who had experienced much persecution in England, it is thought that in making this purchase they had in view the securing for themselves and their religious associates a place of retreat. Some difficulty was experienced in determining the respective interests of Fenwicke and Byllynge in the property they had acquired, and the intervention of William Penn was secured. He awarded one tenth of the Province, with a considerable sum of money, to Fenwicke, and the remaining nine tenths to Byllynge. Not long after, Byllynge, who was a merchant, met with misfortunes, which obliged him to make a conveyance of his interest to others. It was therefore assigned to three of his fellow associates among the Quakers,—William Penn, Gawen Lawrie, and Nicholas Lucas. This conveyance was signed Feb. 10, 1674. The nine undivided tenths were assigned to the three persons just mentioned, to be held by them in trust for the benefit of Byllynge's creditors; and not long after Fenwicke's tenth was also placed under their control, although he had executed a lease to John Eldridge and Edmond Warner for a thousand years, to secure the repayment of sums of money obtained from them. A discretionary power to sell was conferred by the lease, leading to complications of title and management.







Philip Carteret had remained in England until the negotiations subsequent to the surrender of the Dutch were completed and the new grant for East Jersey obtained; and on July 31, 1674, he was recommissioned as governor, and returned to the Province, bringing with him further regulations respecting the laying out of lands, the payment of quit-rents, and other obligations of the settlers. His return seems to have greatly pleased the people of East Jersey. His commission, and the other documents of which he was made the bearer, were published at Bergen, Nov. 6, 1674, in the

presence of his council and commissioners from all the towns except Shrewsbury.

After the Governor's return the assemblies met annually with considerable regularity, the first at Elizabethtown on Nov. 5, 1675, and the others either there or at Woodbridge or Middletown. Sufficient unanimity seems to have prevailed among the different branches of government, to secure legislation upon all subjects which the advancement of the Province in population rendered essential.

As yet no material change in the condition of West Jersey as to settlement had taken place; but in 1675 John Fenwicke, with many others, came over in the ship "Griffith" from London and landed at what is now Salem, — so called by them from the peaceful aspect which the site then wore. No other settlers, however, arrived for two years.

Although the commission of Andros as governor of New York authorized him to take possession of the Province "and its dependencies," yet having been conversant with the transactions in England affecting New Jersey, which had taken place subsequent to its date, he did not presume at first to assert his authority over that Province, otherwise than to collect duties there similar to those constituting the Duke's revenue in New York. Soon after his arrival he took measures to collect the same customs at Hoarkill, in West Jersey; and on the arrival of Fenwicke with his settlers at Salem, a meeting of his council was held Dec. 5, 1675, at which an order was issued prohibiting any privilege or freedom of customs or trading on the eastern shore of the Delaware, nor was Fenwicke to be recognized as owner or proprietor of any land. As this prohibition was not regarded by Fenwicke, on Nov. 8, 1676, directions were given to the council at Newcastle to arrest him and send him to New York. This proceeding not being acquiesced in by Fenwicke, a judicial and military force was despatched in December to make the arrest. On producing, for the inspection of Andros, the King's Letters Patent, the Duke of York's grant to Berkeley and Carteret, and Lord Berkeley's deed to himself, Fenwicke was allowed to return to West Jersey, on condition that he should present himself again on or before the 6th of October following, — the fact that the Duke was authorized to, and did, transfer all his rights in New Jersey, "in as full and ample manner" as he had received them, being an argument that Andros could not readily refute. Fenwicke complied with the prescribed terms of his release and, after some detention as a prisoner, was liberated (as asserted by Andros) on his parole not to assume any authority in West Jersey until further warrant should be given.

It being evident that the grant of the Duke of York to Sir George Carteret in July, 1674, had not made an equitable division of the Province between him and the assigns of Sir John Berkeley, the Duke induced Sir George to relinquish that grant, and another deed of division was executed on July 1, 1676, known as the Quintipartite Deed, making the dividing line to run from Little Egg Harbor to what was called the northernmost branch

of the Delaware River, in 41° 40′ north latitude; and from that time the measures adopted by the Proprietors of the two provinces to advance the interests of their respective portions were enforced separately and independently of each other.

The trustees of Byllynge effected sales of land to two companies of Friends, one from Yorkshire and the other from London; and in 1677 commissioners were sent out with power to purchase lands of the natives, to lay out the various patents that might be issued, and otherwise administer the government. The ship "Kent" was sent over with two hundred and thirty passengers, and after a long passage she arrived in the Delaware in August (1677), and the following month a settlement was made on the site of the present Burlington.

The commissioners came in the "Kent," which, on her way to the Delaware, anchored at Sandy Hook. Thence the commissioners proceeded to New York to inform Governor Andros of their intentions; and, although they failed to secure an absolute surrender of his authority over their lands, he promised them his aid in getting their rights acknowledged, they in the mean time acting as magistrates under him, and being permitted to carry out the views of the Proprietors. During the following months of 1677, and in 1678, several hundred more immigrants arrived and located themselves on the Yorkshire and London tracts, or tenths as they were called.

The settlers of West Jersey, as a body, were too intelligent for them to remain long without an established form of government, and on March 3, 1677, a code of laws was adopted under the title of "The Concessions and Agreements of the Proprietors, Freeholders, and Inhabitants of the Province of West Jersey." It was drawn up, as is presumed, by William Penn and his immediate coadjutors, as his name heads the list of signers, of whom there were one hundred and fifty-one. The chief or executive authority was by these Concessions lodged in the hands of commissioners to be appointed by the then Proprietors, and their provisions cannot but meet with general approval. This code is to be considered as the first example of Quaker legislation, and is marked by great liberality. The framers, as a proprietary body, retained no authority exclusively to themselves, but placed all power in the hands of the people. The document was to be read at the beginning and close of each general assembly; and, that all might know its provisions, four times in a year it was to be read in a solemn manner in every hall of justice in the Province.

The settlers on Fenwicke's tenth did not participate in the privileges of these Concessions. On returning to the Province, after his confinement in New York, Fenwicke proceeded to make choice of officers for his colony, demanding in the name of the King the submission of the people, and directly afterward issued a proclamation in which he — as "Lord and Chief Proprietor of the said Province [West Jersey], and in particular Fenwicke's colony within the same" — required all persons to appear before him within one month and show their orders or warrants for "their pretended titles,"

assuming an independent authority entirely at variance with the proprietary directions.

The commissioners of the Byllynge tenths, however, do not appear to have made any attempt to interfere with him, confining their authority to the limits of their own well defined tracts; but if Fenwicke escaped annoyance from his near neighbors he was not so fortunate in his relations with his former persecutor, Andros, as he is represented as being, not long after his return, again at Newcastle under arrest, waiting for some opportunity to be sent again to New York.

Although, as has been stated, general quietude prevailed in East Jersey for some years after Carteret's return from England, yet it must be considered as resulting less from the desire of the people to co-operate with him, than from the want of leaders willing to guide and uphold them in ultra proceedings. The exaction of customs in New York, by direction of the representatives of the Duke of York, operated more to the annoyance of the inhabitants on the Delaware than to those in the eastern portion of the Province, and it was with great anxiety that the adventurers to West Jersey regarded the course of Andros in relation thereto; but in East Jersey, the proximity to New York rendered a direct trade with foreign lands less necessary. Andros steadily opposed all projects of the Governor to render East Jersey more independent of New York, and the death of Sir George Carteret in January, 1680, seems to have inspired him with fresh vigor in asserting the claims of the Duke of York. Recalling to mind that New Jersey was within the limits of his jurisdiction according to his commission, he addressed a letter to Governor Carteret in March, 1679/80, informing him that, being advised of his acting without legal authority to the great disturbance of His Majesty's subjects, he required him to cease exercising any authority whatever within the limits of the Duke of York's patent, unless his lawful power so to do was first recorded in New York. To this unlooked for and unwarranted communication, Governor Carteret replied on March 20, two days after its receipt, informing his indignant correspondent that after consultation with his council he and they were prepared to defend themselves and families against any and all aggressions, having a perfect conviction of the validity of the authority they exercised. Before this letter was received by Andros, or even written, he had issued a proclamation abrogating the government of Carteret and requiring all persons to submit to the King's authority as embodied in himself. Emissaries were despatched to East Jersey to undermine the authority of Carteret, and every other means adopted to estrange the people from their adhesion to the Proprietary government.

On April 7 Andros, accompanied by his council, presented himself at Elizabethtown, and Carteret, finding that they were unattended by any military force, dismissed a body of one hundred and fifty men gathered for his defence; and, receiving his visitors with civility, a mutual exposition was made of their respective claims to the government of East Jersey. The

conference ended as it had begun. Andros having now, as he said, performed his duty by fully presenting his authority and demanding the government in behalf of His Majesty, cautioned them against refusal. "Then we went to dinner," says Carteret in his account of the interview, "and that done we accompanied him to the ship, and so parted."

Carteret's hospitality, however, was lost upon Andros. On April 30 a party of soldiers, sent by him, dragged the Governor from his bed and carried him to New York, bruised and maltreated, where he was kept in prison until May 27, when a special court was convened for his trial for having "persisted and riotously and routously endeavored to maintain the exercise of jurisdiction and government over His Majesty's subjects within the bounds of His Majesty's letters-patent to His Royal Highness."

Carteret boldly maintained his independence under these trying circumstances. He fully acknowledged before the court his refusal to surrender his government to Andros without the special command of the King, submitted the various documents bearing upon the subject, and protested against the jurisdiction of a court where his accuser and imprisoner was also his judge.

The jury brought in a verdict of "not guilty," which Andros would not receive, obliging them to reconsider their action two or three times; and it is somewhat singular that they should have held firm to their first decision. They, however, gave in so far as to require Governor Carteret to give security not to exercise any authority on his return to East Jersey, until the matter could be referred to the authorities in England.

Andros lost no time in profiting by Carteret's violent deposition, for although it is said that, attended by his whole retinue of ladies and gentlemen, he escorted Carteret to his home in Elizabethtown, yet on June 2 Andros met the Assembly at that place, presented again his credentials, and recommended such enactments as would confirm all past judicial proceedings, and the adoption of the laws in force in New York. The representatives, while they treated Andros with respect, were not unmindful of what was due to themselves as freemen. They were not prepared to bow in submission even to His Majesty's Letters Patent, whenever at variance with their true rights. "What we have formerly done," said they, "we did in obedience to the authority that was then established in this Province: these things, which have been done according to law, require no confirmation." They presented for the approval of Andros the laws already in force as adapted to their circumstances, and expressed their expectations that the privileges conferred by the Concessions would be confirmed. It does not appear that their views were dissented from by Andros, or that his visit was productive of either good or evil results.

In consequence of the dilatoriness of the Proprietary in England, Carteret was kept in suspense until the beginning of the next year; but on March 2, 1681, he issued a proclamation announcing the receipt by him of the gratifying intelligence that the Duke of York had disavowed the acts

of Andros and denied having conferred upon him any authority that could in the least have derogated from that vested in the Proprietary; and a letter from the Duke's secretary, to Andros himself, notified him that His Royal Highness had relinquished all right or claim to the Province, except the reserved rent.

About this time Andros returned to England, leaving Anthony Brockholst, president of the council, as his representative. There is some mystery about his conduct towards New Jersey. He may have thought that the party in East Jersey, inimical to the proprietary government, might enable him to regain possession of it for the Duke, and thereby increase the estimation in which he might be held by him. For Andros had enemies in New York who had interested themselves adversely to his interests, making such an impression upon the Duke that his voyage to England at this time was taken in accordance with the express command of his superior, to answer certain charges preferred against him.

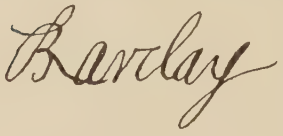
The withdrawal of the common enemy soon reproduced the bickerings and disputings which had characterized much of Carteret's administration. He convened an Assembly at Elizabethtown in October, 1681, at which such violent altercations took place that the Governor, for the first time in the history of New Jersey, dissolved the Assembly, contrary to the wishes of the representatives. This was the last Assembly during the administration of Carteret, for the ensuing year he resigned the government into other hands.

Sir George Carteret died, as has been stated, in 1680, leaving his widow, Lady Elizabeth, his executrix. He devised his interest in New Jersey to eight trustees in trust for the benefit of his creditors; and their attention was immediately given to finding a purchaser, by private application or public advertisement. These modes of proceeding proving unsuccessful it was offered at public sale to the highest bidder, and William Penn and eleven associates, all thought to have been Quakers, and some of whom were already interested in West Jersey, became the purchasers for £3,400. Their deeds of lease and release were dated Feb. 1 and 2, 1681/2, and subsequently each one sold one half of his interest to a new associate, making in all twenty-four proprietors. On March 14, 1681/2, the Duke of York confirmed the sale of the Province to the Twenty-four by giving a new grant more full and explicit than any previous one, in which their names are inserted in the following order: James, Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, *William Penn*, *Robert West*, *Thomas Rudyard*, *Samuel Groom*, *Thomas Hart*, *Richard Mew*, *Ambrose Rigg*, *John Heywood*, *Hugh Hartshorne*, *Clement Plumstead*, *Thomas Cooper*, Gawen Lawrie, Edward Byllynge, James Brain, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, — those in italics being the names of eleven of the first twelve, *Thomas Wilcox*, the twelfth, having parted with his entire interest.

There was a strange commingling of religions, professions, and characters in these Proprietors, among them being, as the historian Wynne observes,

"High Prerogative men (especially those from Scotland), Dissenters, Papists, and Quakers." This bringing together such a diversity of political and religious ideas and habits was doubtless with a view to harmonize any outside influences that it might be deemed advisable to secure, in order to advance the interests of the Province. A government composed entirely of Quakers or Dissenters or Royalists might have failed to meet the co-operation desired, whereas a combination of all might have been expected to unite all parties.

Robert Barclay of Urie, a Scottish gentleman, a Quaker, and a personal friend of William Penn, was selected to be governor. He occupied a high position among those of his religion for the influence exerted in their behalf, and for the numerous works written by him in defence of their principles, — the most celebrated being *An Apology for the True Christian Divinity as the same is preached and held forth by the people, in scorn, called Quakers*, — and moreover he was equally capable of excelling in worldly matters. He was subsequently commissioned governor for life; and, as if his name alone were sufficient to insure a successful administration of the affairs of the Province, he was not required to visit East Jersey in person, but might exercise his authority there by deputy. He selected for that position Thomas Rudyard, an eminent lawyer of London, originally from the town of Rudyard in Staffordshire. It was probably from his connection with the trials of prominent Quakers, in 1670, that he became interested in the East Jersey project. He took an active part in the preliminary measures for advancing the designs of the Proprietors. The Concessions, their plans for one or more towns, a map of the country, and other documents were deposited at his residence in London for the inspection of all adventurers.



The entire population of East Jersey at this time was estimated at about five thousand, occupying Shrewsbury, Middletown, Piscataway, Woodbridge, Elizabethtown, Newark, Bergen, and the country in their respective vicinities.

Deputy-Governor Rudyard, accompanied by Samuel Groom as receiver and surveyor-general, arrived in the Province in November 1682, and both were favorably impressed by the condition and advantages of the country. On December 10 following the council was appointed, consisting of Colonel Lewis Morris, Captain John Berry, Captain William Sandford, Lawrence Andress, and Benjamin Price, before whom, on December 20, the deputy-governor took his oath of office, having previously on the 1st been sworn as chief register of the Proprietors. The instructions with which Rudyard was furnished by the Proprietors or Governor Barclay are not on record, but they are presumed to have been in accordance with the terms of a letter to the planters and inhabitants, with which he was furnished, inculcating harmony and earnest endeavors to advance their joint interests. The previous Concessions being confirmed, Rudyard convened an Assembly at Elizabethtown, March 1, 1683; and during the year two additional sessions were held and

several acts of importance passed. Among them was one establishing the bounds of four counties into which the Province was divided. "Bergen" included the settlements between the Hudson and Hackensack rivers, and extended to the northern bounds of the Province; "Essex" included all the country north of the dividing line between Woodbridge and Elizabethtown, and west of the Hackensack; "Middlesex" took in all the lands from the Woodbridge line on the north to Chesapeake Harbor on the southeast, and back southwest and northwest to the Province bounds; and "Monmouth" comprised the residue.

Although the administration of Rudyard appears to have been productive of beneficial results, securing a great degree of harmony among the varied interests prevailing in the Province, yet, differing from him in opinion as to the policy of certain measures, the Proprietors, while their confidence in him seems to have been unimpaired, thought proper to put another in his place. The principal reason, therefore, appears to have been that Rudyard and the surveyor-general Groom differed as to the mode of laying out lands. The Concessions contemplated the division of all large tracts into seven parts, one of which was to be for the Proprietors and their heirs. Groom refused to obey the warrants of survey for such tracts unless such an interest of the Proprietors therein was recognized, but the governor and his council took the position that the patents, not the surveys, determined the rights of the parties; and, to have their views carried out, Groom was dismissed and Philip Wells appointed to be his successor. The Proprietors in England, regarding this measure as probably in some way lessening their profits in the Province, sustained the surveyor-general's views and annulled all grants not made in accordance therewith, and appointed as Rudyard's successor Gawen Lawrie, a merchant of London,—the same influential Quaker whom we have seen deeply interested already in West Jersey as one of Byllynge's trustees, and whose intelligence and active business qualifications made his administration of affairs conspicuous.

His commission was dated at London in July 1683, but he did not take his oath of office until February 28 following. Rudyard retained the offices of secretary and register and performed their duties until the close of 1685, when he left for Barbadoes, being succeeded as secretary by James Emott. Lawrie retained Messrs. Morris, Berry, Sandford, and Price of Rudyard's council, and appointed four others, Richard Hartshorne of Monmouth, Isaac Kingsland of New Barbadoes, Thomas Codrington of Middlesex, Henry Lyon of Elizabeth, and Samuel Dennis of Woodbridge.

The new deputy-governor brought out with him a code of general laws — or fundamental constitutions as they were called, consisting of twenty-four chapters, or articles, adopted by the Proprietors in England — which was considered by its framers, for reasons not apparent, as so superior to the Concessions, that only those who would submit to a resurvey and approval of their several grants, arrange for the payment of quit-rents, and agree to pass an act for the permanent support of the government should enjoy its pro-

tection and privileges. All others were to be ruled in accordance with the Concessions. This virtually established two codes of laws for the Province. Lawrie, however, seems to have been convinced of the impropriety of puting the new code in force, although in his instructions he was directed as soon as possible to "order it to be passed in an assembly and settle the country according thereto." Through his discretion, therefore, the civil policy of the Province remained unchanged.

The country made a most favorable impression upon Lawrie. "There is not a poor body in all the Province, nor that wants," wrote he to the Proprietors in England; and he urged them to hasten emigration as rapidly as possible, — discovering in the sparseness of the population one great cause of the difficulties his predecessors had encountered, an increase in the number of inhabitants favorable to the Proprietors' interests being essential.

The Proprietors, however, had not been so unmindful of their interests as not to exert themselves to induce emigration to their newly acquired territory. The first twelve associates directly after receiving the deed for the Province published a *Brief Account of the Province of East Jersey*, presenting it in a very favorable light, and in 1683 the Scotch Proprietors issued a publication of a similar character. These publications, aided by the personal influence of Governor Barclay over their countrymen, who at that time were greatly dissatisfied with their political condition, and suffering under religious persecution, excited considerable interest for the Province, and a number of emigrants were soon on their way across the Atlantic. Many of them were sent out in the employ of different Proprietors, or under such agreements as would afford their principals the benefits of headland grants, fifty acres being allowed to each master of a family and twenty-five for each person composing it, whether wife, child, or servant, — each servant to be bound three years, at the expiration of which time he or she was to be allowed to take up thirty acres on separate account.

Only a limited success, however, attended these exertions; national and religious ties were not so easily severed. Notwithstanding the ills that pressed so heavily upon them and their countrymen, the voluntary and perpetual exile which they were asked to take upon them required more earnest and pertinent appeals; and therefore, in 1685, a work appeared entitled *The Model of the Government of the Province of East New Jersey in America*, written by George Scot of Pitlochie at the request of the Proprietors, in which the objections to emigration were refuted, and the condition of the new country stated at length. Further reference to this publication will be made hereafter; it is sufficient to state at present that it led to the embarkation of nearly two hundred persons for East Jersey on board a vessel named the "Henry and Francis," — a name which deserves as permanent a position in the annals of New Jersey as does that of the "Mayflower" in those of Massachusetts.

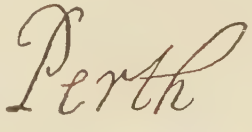
The instructions of the Proprietors to Deputy-Governor Lawrie — while firm in their requirements for the execution of all engagements which justice

to themselves and other settlers called upon them to enforce — were calculated to restore tranquillity, and to quiet, for a time at least, the opposition to their government. The claims under the Indian purchases having been brought to their notice, and relief sought from the evils to which the claimants had been subjected, elicited a dignified letter in reply, upholding the proprietary authority, and presenting in a forcible manner the difficulties which would inevitably arise should that authority be subverted. In order to prevent further difficulties from the acquisition of Indian titles by individuals the right to purchase was continued in the deputy-governor, and he was directed to make a requisition upon the Proprietors for the necessary funds, as had been done in 1682, by shipping a cargo of goods valued at about one hundred and fifty pounds, and expending the amount for that purpose.

The necessity for the cultivation of good feelings with the Province of New York was manifest. Having for its chief executive one whose arbitrary temper and disposition led him to disregard solemn engagements, the relations between the provinces were not likely to be made more harmonious because he was heir-apparent to the throne of England; and it was consequently in accordance both with the principles of the Friends and the promptings of sound judgment and discretion, that the Proprietors urged upon Lawrie the propriety of fostering a friendly correspondence with New York, and avoiding everything that might occasion misapprehension or cause aggressions upon their rights.

Lawrie conformed himself to the tenor of his instructions. He visited Governor Dongan and remained with him two or three days, discussing their mutual rights and privileges, and was treated by him with kindness and respect; and being of a less grasping disposition than his predecessor, there were no open acts of hostility to the proprietary government manifested by him.

Immigration and a transfer of rights soon brought into the Province a sufficient number of Proprietors to allow of the establishment of a board of commissioners within its limits, authorized to act with the deputy-governor in the temporary approval of laws passed by the Assembly, the purchasing and laying out of lands, and other matters, — thus avoiding the necessary and consequent unpleasant delay attendant upon the transmission of such business details to the Proprietors in England before putting them in operation. This body was formed August 1, 1684, and became known as the "Board of Proprietors." To this board was intrusted the advancement of a new town to be called Perth, — in honor of the Earl of Perth, one of the Proprietors, — for the settlement of which proposals had been issued in 1682, immediately on their obtaining possession of the Province.



The advancement of this town was a favorite project, and at the time of Lawrie's arrival several houses were already erected, and others in progress

(Samuel Groom having surveyed and laid out the site); and attention was immediately given to the execution of the plans of the projectors, based upon the expectation that it would become the chief town and seaport of the Province. Lawrie was particularly cautious, in carrying out their views as regarded the seaport, not to infringe any of the navigation laws respecting the payment of duties, or otherwise,—going so far as to admit William Dyre, in April, 1685, to the discharge of his duties as collector of the customs in New Jersey, which naturally led to difficulties. Previously vessels had been permitted by Lawrie to proceed directly to and from the Province, and the inhabitants valued the privilege; but Dyre had not been in execution of his office more than two or three months before he complained to the commissioners of the customs of the opposition encountered in enforcing the regulations he had established for entering at New York the vessels destined to East Jersey, and receiving there the duties upon their cargoes. This state of affairs continued for some months; for, although the authorities in England took the subject into consideration, it was not until April, 1686, that a writ of *quo warranto* was issued against the Proprietors,—it being thought of great prejudice to the country and His Majesty's interest that such rights as they claimed should be longer exercised.

James, Duke of York, by the death of Charles II. in May, 1685, had been raised to the throne of England, and his assumption of royalty simplified considerably the powers for ignoring all measures conflicting with his private interests; and although he had thrice as Duke of York, by different patents and by numerous other documents, confirmed to others all the rights, powers, and privileges which he himself had obtained, the increased revenue which was promised him from the reacquisition of New Jersey could not admit of any hesitancy in adopting measures to effect it. The Proprietors, however, were firm in their expostulations, and made many suggestions calculated to remove the pending difficulties; but all were of no avail except one, looking to the appointment of a collector of the customs to reside at Perth, — or Perth Amboy as it began to be called, by the addition of Amboy, from *ambo*, an Indian appellation for point. The first session of the Assembly was held there as the seat of government, April 6, 1686.

The establishment of a local government in West Jersey in 1677 has been noticed. The next step toward rendering it more perfect was the election, by the Proprietors in England, of Edward Byllynge as governor of the Province, and the appointment by him of Samuel Jenings as his deputy. These events took place in 1680 and 1681, and Jenings arrived in the Province to assume the government in September of the latter year, the first West Jersey Assembly meeting at Burlington in November. The representatives seem to have had a full sense of the responsibilities resting upon them, and at once adopted such measures as were deemed essential under the altered condition of affairs, acknowledging the authority of the deputy-

governor on condition that he should accept certain proposals or fundamentals of government affixed to the laws they enacted. This Jenings did, putting his hand and seal thereto; as did also Thomas Olive, the Speaker, by order and in the name of the Assembly.

Burlington was made the chief town of the Province, and the method of settling and regulating the lands was relegated to the governor and eight individuals. For greater convenience the Province was divided into two districts, the courts of each to be held at Burlington and Salem. The second Assembly met May 2, 1682, and a four days' session seems to have been sufficient to establish the affairs of the Province on a firm basis, — Thomas Olive, Robert Stacy, Mahlon Stacy, William Biddle, Thomas Budd, John Chaffin, James Nevill, Daniel Wills, Mark Newbie, and Elias Farre being chosen as the council.

Subsequent meetings of the Assembly were held in September, and in May, 1683. At this last some important measures were enacted contributing to good government. For the despatch of business the governor and council were authorized to prepare bills for the consideration of the Assembly, which were to be promulgated twenty days before the meetings of that body. The governor, council, and assembly were to constitute the General Assembly, and have definite and decisive action upon all bills so prepared. As John Fenwicke was one of the representatives to this Assembly, it is evident that he recognized for his Tenth the general jurisdiction which had been established. It is understood that Byllynge at this time had resolved to relieve Jenings from his position, as his own independent authority was thought to be endangered by Jenings's continuance in office.

At this Assembly the question was discussed whether the purchase at first made was of land only or of land and government combined, and the conclusion arrived at was that both were purchased; and also that an instrument should be prepared and sent to London, there to be signed by Byllynge, confirmatory of this view; and, carrying out a suggestion of William Penn, Samuel Jenings was by vote of the Assembly elected governor of the Province, — a proceeding which was satisfactory to the people, as they desired a continuance of his administration. Thus again did the representatives of the people assert their claim to entire freedom from all authority not instituted by themselves.

As Byllynge did not acquiesce as promptly as was desired with the views of the Assembly, it was determined at a session held in March, 1684, that, for the vindication of the people's right to government, Governor Jenings and Thomas Budd (George Hutchinson subsequently acted with them) should go to England and discuss the matter with Byllynge in person, — Thomas Olive being appointed deputy-governor until the next Assembly should meet. This was in the May following, at which time Olive was elected governor, and his council made to consist of Robert Stacy, William Biddle, Robert Dusdale, John Gosling, Elias Farre, Daniel Wills, Richard Guy, Robert Turner, William Emley and Christopher White.

The mission of Jenings was only partially successful. The differences between Byllynge and the people were referred to the "judgment and determination" of George Fox, George Whitehead, and twelve other prominent Friends; whose award was to the effect that the government was rightfully in Byllynge, and that they could not find any authority for a governor chosen by the people. This award was made in October, 1684, but was signed by only eight of the fourteen referees, George Fox not being one of them. The document subsequently became the cause of much discussion. As late as 1699 it was printed with the addition of many severe reflections upon the action of Jenings and his friends, drawing from him equally harsh animadversions upon those from whom they emanated. In accordance with this award Byllynge asserted his claims to the chief authority over the Province, and no important concessions appear to have been made to the people.

In 1685 Byllynge appointed John Skene to be his deputy-governor; and on September 25 the Assembly, expressly reserving "their just rights and privileges," recognized him as such, Olive continuing to act as chairman, or speaker, of the Assembly.

Harmony to a great extent prevailed for some time, Skene not attempting to exercise any authority not generally acknowledged by the people; but in 1687 Byllynge died, and Dr. Daniel Coxe of London, already a large proprietor, having purchased the whole of Byllynge's interest from his heirs, after consultation with the principal Proprietors in England, decided to assume the government of the Province himself. But while he thus assumed, in his own person, rights which the people had claimed as theirs, he did not refrain from granting to them a liberal exercise of power, giving assurances that all reasonable expectations and requests would be complied with, and that the officers who had been chosen by the people should be continued in their several positions. It is somewhat more than doubtful if Coxe ever visited the Province at all, and indeed he probably did not; meanwhile Byllynge's deputy, John Skene, acted for him till the death of the latter in December, 1687, when Coxe appointed Edward Hunloke in his stead.

It was during Lawrie's administration in East Jersey that the first steps were taken to settle the boundary line between that Province and New York. The subject was discussed by him and Governor Dongan at an early date; and on June 30, 1686, a council was held, composed of the two deputy-governors and several gentlemen of both New York and New Jersey, at which the course to be pursued in running the line was agreed upon. The points on the Hudson and Delaware rivers were subsequently determined; but nothing further was done for several years, and nearly a century elapsed before the line was definitely settled.

There are some allusions made to the fact that Lawrie was much interested in West Jersey, as accounting for his dismissal by the Proprietors from

his position as their deputy-governor in East Jersey; but so far as the records of the period give an insight into the motives actuating him in the administration of the affairs of the Province, there is no evidence afforded of any want of interest in its prosperity. As the result of his administration did not meet their expectations of profit, it is not surprising that they should have regarded it as due to some mistaken policy on his part. In the appointment of a successor they were evidently led by the large influx of population from Scotland to look among the Proprietors residing there for a suitable person; and they therefore selected Lord Neill Campbell, a brother of the Earl of Argyle, who was obliged to flee from Scotland in consequence of his connection with that nobleman, who had been beheaded June 30, 1685, after the unfortunate termination of his invasion of that country. He left for East Jersey with a large number of emigrants not long after that event, and reached the Province in December of the same year.

Lord Neill was appointed deputy-governor June 2, 1686, for two years, but his commission did not reach him until October, on the 5th of which month it was published; and on the 18th he announced as his council Gawen Lawrie, John Berry of Bergen, Isaac Kingsland of New Barbadoes, Andrew Hamilton of Amboy, Richard Townley of Elizabethtown, Samuel Winder of Cheesequakes, David Mudie and John Johnstone of Amboy, and Thomas Codrington of Raritan.

It is a remarkable circumstance that the great diversity existing in the characters, religions, pursuits, and political relations of the Proprietors of East Jersey should have been overcome to such an extent as to allow of harmonious action in the appointment of Lord Neill Campbell. The Earl of Perth, a prominent member of the body, was one of the jury that found the Earl of Argyle guilty of high treason; and yet, stanch adherent as he was of James, he could consent to have his interests in East Jersey taken care of by that earl's brother. Robert Barclay, with all the peculiarities of his peaceful sect, the advocate of gentleness and non-resistance, was willing to be associated with a stanch Scotch Presbyterian soldier, and join in commissioning him as his subordinate. It is evident that private prejudices and feelings were not allowed to interfere with whatever was thought likely to conduce to the advancement of their pecuniary interests in East Jersey.

Lord Neill's administration, however, was very brief. On December 10 of the same year, "urgent necessity of some weighty matters" calling him to England, he appointed Andrew Hamilton to be his substitute, and sailed, it is presumed, the March following, Hamilton's commission being published on the 12th of that month.

Andrew Hamilton had been a merchant in London, and came to the Province with his family in June, 1686, as an agent of the Proprietors in London. He at first declined accepting the position tendered him, and Lawrie, who was one of the council, openly protested against his appointment, because of his unpopularity with the planters; but his authority having

been confirmed by a commission from Governor Barclay in August, 1687, all open opposition thereto seems to have ceased. Hamilton appears to have been a man of intelligence, and to have acted in a manner which he conceived to be calculated to advance the best interests of the Proprietors without involving them with the people, but it is doubtful if any great cordiality existed between the governor and the governed at that period.

Before his death Charles II. had been led to call for a surrender of the charter of Massachusetts Bay, and, meeting with a refusal from the General Assembly, a writ of *quo warranto* was issued in 1684. The death of the King left the proceedings to be consummated by his successor, whose rapacity prompted him to subvert the liberties of all the colonies; and his pliant servant Andros, whom he had knighted, was sent over with a commission that covered all New England. Sir Edmund took up his residence in Boston, assumed the supreme authority of Massachusetts, and the following year dissolved in succession the governments of Rhode Island and Connecticut, taking to himself all power and dominion, even beyond the limits granted by his royal master.[1]

The Proprietors, finding it impossible to overcome the determination of James to unite New York and New Jersey to New England under the same government, deemed it advisable to abandon the unavailing contest, and by acceding to the King's design to obtain from him an efficient guarantee that he would respect their rights to the soil. A surrender of their patent, so far as the government was concerned, was therefore made in April, 1688, James having agreed to accept it; and, the Proprietors of West Jersey having acceded also to the arrangement, a new commission was issued to Sir Edmund Andros, annexing both provinces and New York to his government, and Francis Nicholson was appointed his lieutenant-governor.

The course of Andros in accepting the simple acknowledgment of his authority as sufficient, without revolutionizing the government and dismissing the functionaries in office in New Jersey, was doubtless in a great measure owing to the fact that the surrender by the Proprietors of their right to govern rendered necessary the issuing of a new grant to them from the Crown, confirmatory of all the immunities of the soil; and until that could be perfected, it may have been considered expedient not to disturb the existing regulations. It is nevertheless remarkable that any considerations of the kind should have had so mollifying an effect upon one whose arrogance, disregard of the rights of others, and impetuosity of temper were so intrusively manifest as in Edmund Andros.

By the seizure of Andros in New England in April, 1689, in anticipation of the successful revolution in England in favor of William and Mary, which promised the subversion of his authority not only there but also in the other colonies that had been placed within his jurisdiction, an opportunity was afforded the Proprietors of New Jersey to resume all the rights and

[1] [See chapter ix.; and the full treatment of the struggle to maintain the charter, given by Mr Deane, in the *Memorial History of Boston*, i. 329. — Ed.]

privileges of which they had been despoiled. But there were impediments in the way. They were not sure of the support of the people, and being separated, — some in England, some in Scotland, and some in New Jersey, — it was not possible that unanimity of action could be secured. Many of them, having been closely allied to King James, were probably disposed to cling to him in his misfortunes, and had the deputy-governor thrown off the responsibilities he had so recently resumed as the representative of the Crown, for the purpose of re-establishing the authority of the Proprietors, it would have been attended with great doubt and uncertainty as to his success, the people having so definitely manifested their preference for a royal government.

In April Hamilton received a summons from the mayor of New York, acting as lieutenant of Andros; and, attended by the justices of Bergen, repaired thither to consult upon the proper course to be pursued in the peculiar situation of affairs prevailing in the two colonies, but nothing of consequence resulted from the conference. The deputy-governor on subsequent occasions was invited to similar consultations in New York, but does not seem to have compromised himself in any way with any party; and, as so much doubt existed as to what was the proper course for him to pursue, he resolved in August to proceed to England in person to advise with the Proprietors there. On his way thither he was taken prisoner by the French, and appears to have been detained in France until the May following, when he, being then in England, resigned his position as the deputy-governor. From the time of Hamilton's departure for England until 1692 the inhabitants of East Jersey were left to the guardianship of their county and town officers, who seemed to have possessed all necessary powers to preserve the peace. So also in West Jersey. The course of events caused but little alteration in the general condition of the Province after the surrender of the government to Andros in April, 1688, and the subsequent suspension of his authority.

In 1687 George Keith, surveyor-general of East Jersey, under orders from the Proprietors there, attempted to run the dividing line between the two provinces, in accordance with the terms of the Quintipartite deed of 1676; but the result was unsatisfactory to West Jersey, as it was thought too great a quantity of the best lands came thereby within the bounds of East Jersey. In September, 1688, however, a consultation took place in London, between Governor Coxe of West Jersey and Governor Barclay of East Jersey, with the view of perfecting a settlement of Keith's line, resulting in a written agreement signed and sealed by the two parties; but nevertheless no satisfactory termination of the matter was arrived at for many years. It was in 1688 that the "Board of Proprietors of West Jersey" was regularly organized.

It would be very gratifying to be able to state clearly, upon good authority, the condition of New Jersey at this eventful period in its history, and

note its progress since its surrender to the English in 1664, but from the imperfection of the details, the information obtainable is not sufficiently definite to give satisfactory results.

That the population of East Jersey had largely increased there can be no doubt. It was a constant cause of complaint by the government of New York that the freedom from taxation and various mercantile restrictions had tended greatly to increase emigration to East Jersey, much to the detriment of New York; and the first towns, Newark, Elizabethtown, and Middletown, drew large numbers from New England and Long Island, leading to their becoming centres for the development of other towns and villages. The new capital, Perth Amboy, became in a very few years an important settlement, and both from Scotland and England numerous families had already arrived and settled in various parts of the Province; so that it is probable the increase during the quarter of a century had been more than a hundred-fold, making the total number of souls in East Jersey nearly, if not quite, ten thousand. There are no figures upon which any correct estimate can be based of the increase in West Jersey, but it may be safely considered as coming far short of the eastern Province.

Of the five counties recognized in 1670 Monmouth was the most populous; and of its three towns, Shrewsbury, Middletown, and Freehold, the first was the most important. Essex County came next; Elizabethtown Newark, Acquackanock, and New Barbadoes being its towns, ranking in the order in which they are named. Middlesex followed, with Woodbridge, Piscataway, and Perth Amboy as its towns. Bergen stood fourth, with its towns of Bergen and Hackensack; and Somerset came last, having no specific townships. There were, of course, in all the counties small settlements not yet of sufficient importance to be recognized as separate organizations. In 1683 Bergen County was third in importance, and Middlesex fourth.

One great hindrance to the development of the agricultural and mineral resources of the two provinces was the want of roads and conveniences to promote intercourse between the different sections. The only Indian path ran from Shrewsbury River to the northwest limits of the Province, and the only road opened by the Dutch appears to have been that by which intercourse was kept up with the settlements on the Delaware, in what is now Delaware. From New Amsterdam a direct water communication was had with Elizabethtown Point (now Elizabethport), and thence by land to the Raritan River which was crossed by fording at Inian's Ferry, now New Brunswick. Thence the road ran in almost a straight course to the Delaware River, above the site of the present Trenton, where there was another ford. This was called the Upper Road; another, called the Lower Road, branched off from the first about five or six miles from the Raritan, and by a circuitous route reached the Delaware at the site of what is now Burlington; but the whole country was a wilderness between the towns in Monmouth County and the Delaware River as late as 1675.

The first public measures for the establishment of roads was in 1675; two men in each town being clothed with authority to lay out the common highways; and in March, 1683, boards were created in the different counties to lay out all necessary highways, bridges, landings, ferries, etc., and by these boards the first effective intercommunication was established. The present generation have in constant use many of the roads laid out by them. In July, 1683, instructions were given to Deputy-Governor Lawrie to open a road between the new capital, Perthtown, and Burlington; but, although his instructions were complied with, and the road opened in connection with water communication between Perth and New York, the route by way of New Brunswick was the most travelled.

The character of the legislation and laws for the punishment and suppression of crime was very different in the two provinces. The penal laws in East Jersey partook more of the severity of the Levitical law, originating as they did with the settlers coming from Puritan countries, while those in West Jersey were exceedingly humane and forbearing. In the one there were thirteen classes of offences made amenable to the death penalty, while in the other such a punishment was unknown to the laws.

As might reasonably be expected from its proximity to New Amsterdam, the first church erected in New Jersey soil, of which any mention is made, was at Bergen. This was in 1680, the congregation having been formed in 1662. The first clergyman heard of in Newark was in 1667, a Congregationalist, and the first meeting-house was built in 1669. Elizabethtown's first congregation was formed in 1668. Woodbridge succeeded in getting one established in 1670, and its first church was built in 1681. The Quakers immediately after their arrival in West Jersey, in 1675, organized a meeting at Salem (probably the one which Edmondson says he attended), and in 1680 purchased a house and had it fitted up for their religious services. It is said that the first religious meetings of the Quakers in New Jersey were held at Shrewsbury as early as 1670, the settlers there, about 1667, being principally of that denomination. Edmondson mentions a meeting held at Middletown in 1675. The first General Yearly Meeting for regulating the affairs of the Society was held at Burlington in August, 1681. Local meetings were held there in tents before a house was erected. John Woolston's was the first, and its walls were consecrated by having worship within them. The Friends at Cape May in 1676, Cohansey in 1683, and Lower Alloway Creek in 1685 secured religious services.

Middletown, in Monmouth County, had an organized Baptist congregation in 1688; and Piscataway in Middlesex County one in 1689.

To what extent education had been fostered up to this period it is difficult to determine. The first school-master mentioned in Newark was there in 1676; but Bergen had a school established under the Dutch administration in 1661. The first general law providing for the establishment and support of school-masters in East Jersey was not passed until 1693.

The currency of both East and West Jersey during the whole period of

their colonial existence, for reasons which are not very apparent, was more stable than that of the neighboring colonies. The coins of England and Holland, and their respective moneys of account, were used, and Indian wampum afforded the means of exchange with the Aborigines. Barter was naturally the mode of traffic most followed, and tables are now found showing the value set upon the different productions of the soil that were used in these business operations, marking the diminution in value from year to year as compared with "old England money." In 1681 an act was passed in West Jersey for the enhancing, or raising, the value of coins, which was extended also to New England money. About that time an individual, named Mark Newbie, increased the circulating medium by putting into circulation a large number of Irish half-pence of less value than the standard coin, which he had brought with him from Ireland; and, as thought by some, continued the manufacture of them after his arrival. The act of 1681, however, was repealed the following year, and another passed making Newbie's half-pence equal in value to the current money of the Province, provided he gave security to exchange them "for pay equivalent on demand," and provided also that no person should be obliged to take more than five shillings on one payment.[1] No repeal of this act appears in the records. It became inoperative probably in 1684, when Newbie disappears from the documentary history of the period. This supposition is in some measure confirmed by the passage of an act in May of that year, making three farthings "of the King's coin to go current for one penny," in sums not exceeding five shillings.[2]

The only attempt to regulate the value of gold and silver in East Jersey was in 1686. Its object was to prevent the transportation of silver from the Province by raising it above its true value in all business transactions. Its evil tendencies, however, were soon developed, and before the end of the year, at a subsequent session of the same Assembly, it was repealed.

The first grist-mill is mentioned in 1671, and was followed by another in 1679, hand-mills being generally used. The first saw-mill was erected in 1682. In 1683 Deputy-Governor Rudyard, in a letter to a friend, says that at that time there were two saw-mills at work, and five or six more projected, abating "the price of boards half in half, and all other timber for building; for altho' timber cost nothing, yet workmanship by hand was London price or near upon it, and sometimes more, which these mills abate."

The cider produced at Newark was awarded the preference over that brought from New England, Rhode Island, or Long Island. Clams, oysters, and fish received well merited commendation for their plentifulness and good qualities.

In 1685 the iron-mills in Monmouth County, belonging to Lewis Morris, were in full operation; but it was not until some years had elapsed that "the hills up in the country," which were "said to be stony," were

[1] *East Jersey under the Proprietary Governments*, pp. 250, 251.

[2] Leaming and Spicer's *Grants and Concessions*, p. 493.

explored, and the mineral treasures of Morris County revealed. Gabriel Thomas, in 1698, mentions rice among the products of West Jersey, adding that large quantities of pitch, tar, and turpentine were secured from the pine forests, and that the number of whales caught yearly gave the settlers abundance of oil and whalebone.

CRITICAL ESSAY ON THE SOURCES OF INFORMATION.

THE relations existing between New York and New Jersey, during the era of discovery and settlement, necessarily led to their being jointly noticed by all the early writers, and as they have been referred to in what has preceded this chapter,[1] it is thought unnecessary to comment further upon their revelations. Attention will therefore be given to those whose object was the making known the peculiarities, the advantages, and attractions of New Jersey independent of New York.

The first of these was an issue by John Fenwicke of a single folio leaf, in 1675, containing his proposals for planting his colony of New Cæsarea, or New Jersey. A copy was for sale in London in 1853, — perhaps the same copy sold at the Brinley sale to the Pennsylvania Historical Society. It is printed in *Penn. Mag. of Hist.*, vi.

In 1682 the Proprietors of East Jersey published a small quarto of eight pages, giving an account of their recently acquired province.[2] This publication is not now obtainable, and it is doubtful if any copies have been seen for several generations. It is the basis of all the information respecting East Jersey contained in *The Present State of His Majesty's Isles and Territories in America*, etc., by Richard Blome (London, 1687), which is frequently quoted, though abounding in errors. Although the original edition may not now be met with, the *Brief Account* may be found reprinted in Smith's *History of New Jersey*, and in *East Jersey under the Proprietary Governments*. It gives a very fair and interesting account of the Province, and doubtless aided in inducing adventurers to embark for the new Eldorado.

In 1683 a small quarto of fifteen pages, including the titlepage, was published in Edinburgh for the Scotch Proprietors, of similar purport to the foregoing.[3] The only copy of the original, known, is in the possession of Samuel L. M. Barlow, Esq., of New York. This was used when the work was reproduced in the New York *Historical Magazine*, second series, vol. i.[4]

In 1684 a work of greater pretensions, comprising 73 pages, 12mo, was published in London, entitled *The Planter's Speech to his neighbours and countrymen of Pennsylvania, East and West Jersey; and to all such as have transported themselves into new Colonies for the sake of a quiet, retired life. To which is added the complaints of our Supra-interior inhabitants.* The title and introduction of this volume are all that have been met with. They will be found in Proud's *History of Pennsylvania*.[5] The author's name is not known, but it would seem that his object was more to impress upon his "dear friends

[1] [See chapter X. — ED.]

[2] It was entitled *A Brief Account of the Province of East Jersey in America, published by the present Proprietors, for information of all such persons who are or may be inclined to settle themselves, families, and servants in that country.*

[3] It was styled *A Brief Account of the Province of East New Jersey in America. Published by the Scots' Proprietors having interest there, For the information of such as may have a desire to Transport themselves or their Families thither; wherein the Nature and Advantage of, and Interest in, a Forraign Plantation to this Country is Demonstrated. Printed by* JOHN REID.

[4] Twenty-five copies were printed separately, bearing date 1867. Sabin's *Dictionary*, xiii. 53,079. *Alofsen Catalogue*, No. 823.

[5] Vol. I. p. 226.

and countrymen" their moral and religious duties as immigrants, than to portray the advantages of the section of country particularly referred to.

The purport of the treatise is thus summarized by Proud: "Divers particulars are proposed as fundamentals for future laws and customs, tending principally to establish a higher degree of temperance and original simplicity of manners, — more particularly against the use of spirituous liquors, — than had been usual before. Everything of a military nature, even the use of the instruments thereof, is not only disapproved, and the destruction of the human species thereby condemned in this *Speech*, but likewise all violence or cruelty towards, and the wanton killing of, the inferior living creatures, and the eating of animal food are also strongly advised against in those proposed regulations, customs, or laws, with the reasons given, etc., to the end that a higher degree of love, perfection, and happiness might more universally be introduced and preserved among mankind."

In 1685 the most interesting and valuable of all the early publications was issued in Edinburgh,[1] reference to which has been made on a preceding page. The author, George Scot, of Pitlochie, was connected by descent and marriage with many distinguished families in Scotland, which connection probably led the Proprietors to confide the preparation of the work to him, as his extensive circle of friends and acquaintances would be likely to insure for it a more general acceptance, particularly as he was ready to add example to precept by embarking himself and family for East Jersey. Accompanied by nearly two hundred persons, he sailed from Scotland about Aug. 1, 1685, but before the vessel reached her destination Scot and his wife and many of their fellow-passengers were no longer living. One daughter, Eupham, became the wife of John Johnstone the ensuing year. Mr. Johnstone was one of her fellow-passengers. Their descendants became numerous, and for years before the war of Independence, and since that period, they filled high civil and military stations in East Jersey.

The author of *The Model* begins his work with a learned disquisition upon the manner in which America was first peopled, and then proceeds to meet and overcome the various scruples that were presumed to operate against its further settlement from Scotland, by arguments drawn from sacred and profane history and from the consideration due their families and the country; concluding with a portrayal of the advantages to be secured by a residence in East Jersey, and the superiority of that colony over others in America and the West Indies. In this respect the value of the work to the historian is very great, as numerous letters are given from the early settlers, presenting minute descriptions of various localities and their individual experiences in a manner calculated to produce a correct and, at the same time, a favorable impression upon their readers. The original edition is exceedingly rare, only ten copies being known, but the New Jersey Historical Society has caused it to be reprinted as an appendix to the first volume of its *Collections*, thus placing it within the reach of all.[2]

The year 1685 gave also to the world the interesting book of Thomas Budd, entitled *Good Order established in Pennsilvania and New Jersey*.[3] Mr. Budd arrived at Burling-

[1] It was entitled *The Model of the Government of the Province of East New Jersey in America; And Encouragements for such as Designs to be concerned there. Published for Information of such as are desirous to be Interested in that place.*

[2] [The copies known are these: 1. New Jersey Historical Society. 2. Harvard College Library. 3. John Carter Brown Library, Providence. 4. William A. Whitehead, Newark. 5. J A. King, Long Island. 6. British Museum. 7. Huth Library, London. 8. Advocates' Library, Edinburgh. 9. Göttingen University. 10. Lenox Library, New York. — ED.]

[3] The title, in full, is quite a correct table of contents, and under the several headings is given very excellent advice as to the course to be followed to insure success in the new settlements. It is as follows: *Good Order Established in Pennsilvania and New Jersey in America. Being a true Account of the Country, With its Produce and Commodities there made, And the great Improvements that may be made by means of Publick Store-houses for Hemp, Flax, and Linnen-Cloth; also, the Advantages of a Publick School, the profits of a Publick Bank, and the Probability of its arising, if those directions here laid down are followed; With the advantages of publick Granaries.*

ton, in West Jersey, in 1678, and during his residence there held many important offices; was associated with Jenings on the committee appointed in 1684 to confer with Edward Byllynge, and it was while he was in England that his book was printed. He probably removed to Philadelphia after his return to New Jersey. He made another brief visit to England in 1689, but continued to consider Philadelphia as his residence until his death in 1698. Mr. Budd's work exhibits the possession of intelligence and public spirit to a remarkable degree. Some of his suggestions as to the education which should be given to the young in various pursuits show him to have been an early advocate of what are now termed Technical Schools, and are deserving of consideration even at this late day. The original work is seldom seen, but in 1865 a reprint was given to the public by William Gowans, of New York, having an introduction and copious notes by Mr. Edward Armstrong, of Philadelphia.

In 1698 Gabriel Thomas published a small octavo of forty-six pages on West Jersey, in connection with a similar work on Pennsylvania, with a map of both colonies. He was then, it is thought, a resident of London, but he had resided in America about fifteen years, the information contained in the book being the result of his own experiences and observation.[1] The book was dedicated to the West Jersey Proprietors, and its intent was to induce emigration of all who wished to better their worldly condition, especially the poor, who might in West Jersey "subsist very well without either begging or stealing." French refugees or Protestants would find it also to their interest to remove thither where they might live "far better than in Germany, Holland, Ireland, or England." The modes of life among the Indians, and the prevailing intercourse between them and the settlers were fully discussed, as well as the natural productions of the country and the improvements already introduced or in progress.

In 1699 two pamphlets were published in Philadelphia, referring to the difficulties in West Jersey between the people of the Province and Edward Byllynge in 1684, which led to the despatch, by the Assembly, of Samuel Jenings and Thomas Budd to confer in person with Byllynge. The first of these publications was aimed at Jenings, who was accused of being the head of "some West Jersians" opposed to Byllynge, and emanated from John Tatham, Thomas Revell, and Nathaniel Westland, although published anonymously.[2]

Likewise, several other things needful to be understood by those that are or do intend to be concerned in planting in the said Countries. All which is laid down very plain in this small Treatise; it being easie to be understood by any ordinary Capacity. To which the Reader is referred for his further satisfaction. By THOMAS BUDD. *Printed in the year* 1685.

[1] The title, which may also be considered a table of contents, was as follows: *An Historical Description of the Province and Country of West New Jersey in America. A short View of their Laws, Customs, and Religions. As also the Temperament of the Air and Climate; The fatness of the Soil, with the vast Produce of Rice, etc., the improvement of the Lands as in England to Pasture, Meadows, etc. Their making great quantities of Pitch and Tar, as also Turpentine, which proceeds from the Pine Trees, with Rosen as clear as Gum Arabick, with particular Remarks upon their Towns, Fairs, and Markets; with the great Plenty of Oyl and Whale-Bone, made from the great number of whales they yearly take: As also many other Profitable and New Improvements. Never made Publick till now. By* GABRIEL THOMAS.

[This book is rare, and may be worth, when found, $200. Copies have brought, however, $300 within ten years. *Griswold Catalogue*, Part I. No. 851. It was reprinted in lithographic facsimile in New York in 1848 for Henry Austin Brady. One copy, on blue writing paper and illustrated, was in the Griswold sale, No. 852. — ED.]

[2] It was entitled *The Case put and decided. By George Fox, George Whitehead, Stephen Crisp, and other the most Antient and Eminent Quakers. Between Edward Billing, on the one part, and some West Jersians, headed by Samuell Jenings, on the other part, In an Award relating to the Government of their Province, wherein, because not moulded to the Pallate of the said Samuell, the Light, the Truth, the Justice, and Infallibility of these great Friends are arreigned by him and his Accomplices. Also Several Remarks and Anniversations on the same Award, setting forth the Premises. With some Reflections on the Sensless Opposition of these Men against the present Governour, and their daring Audatiousness in their presumptuous asserting an Authority here over the Parliament of England. Published for the Information of the Impartial and Considerate, particularly such as Worship God and profess Christianity,*

Jenings took exceptions to many of its statements and answered it under his own name in a small quarto, boldly asserting his innocence of the serious charges made against him.[1] These publications throw considerable light upon a portion of West Jersey history which is very obscure, and have been used in the preparation of the foregoing narrative. They are both exceedingly rare, and historians are indebted to Mr. Brinton Coxe, of Philadelphia, for having them reprinted in 1881.

The Journal of William Edmundson has been referred to as furnishing some interesting items respecting New Jersey during the period we have had under review.[2] He visited the Province in 1676, and his statements respecting the condition of the country and his interviews with prominent Friends are valuable.

In addition to these publications, there are in the Secretary of State's office at Trenton the original records of both the East Jersey and West Jersey Proprietors, which were transferred from Perth Amboy and Burlington about the middle of the last century, copies only being left in the original places of deposit.

The foregoing references include all the works published, prior to the surrender of the government of New Jersey to the Crown in 1703, relating to the history of the Province, previous to its separation from New York; but others were published subsequently which throw much light upon that early period, although not written for that purpose exclusively. Thus in 1747 the renowned Elizabethtown Bill in Chancery was drawn and put in print by subscription the same year,[3] which will ever be acknowledged as a structure of valuable materials illustrative of the conflicts between the Proprietors and their government and the discontented settlers. The bill was principally drawn by James Alexander, who during a long period was a prominent lawyer in both provinces. A Scotchman by birth he came to America in 1715, and shortly after his arrival entered the Secretary's office, New York, and was deputy-clerk of the Court in 1719. Throughout his life, which did not terminate until April 2, 1756, he held very highly important positions in both New York and New Jersey, and was the owner of large land tracts in both provinces.[4] This bill, notwithstanding its great length and complicated nature, is drawn with much ability and makes out a very strong case for the plaintiffs. The defendants' claims would seem to be, beyond controversy, invalid; but other matters were introduced rendering the case one not easily disposed of.

The answer to the Bill in Chancery was filed in 1751 and printed in 1752, — the counsel

not in Faction and Hypocrisie, but in Truth and Sincerity. Ending with the texts Isa. xxx. 1, Isa. xlvii. 10, and [no book given] v. 11.

[1] He entitled it *Truth Rescued from Forgery and Falshood. Being An Answer to a late Scurralous piece, Entituled The Case put and Decided, etc.; Which Stole into the World without any known Author's name affixed thereto, And renders it the more like its Father, Who was a Lyer and Murtherer from the Beginning. By* SAMUEL JENINGS.

[2] *A Journal of the Life, Travels, Sufferings, and Labour of Love in the Work of the Ministry of that Worthy Elder and faithful Servant of Jesus Christ, William Edmundson, Who departed this Life the thirty-first of the sixth Month, 1712.*

[3] It received the following title: *A Bill in the Chancery of New Jersey, at the Suit of John, Earl of Stair, and others, Proprietors of the Eastern-Division of New Jersey, against Benjamin Bond, and some other Persons of Elizabeth-Town, distinguished as Clinker Lot Right Men; With three large Maps, done from Copper Plates. To which is added The Publications of the Council of Proprietors of East New Jersey, and Mr. Nevill's Speeches to the General Assembly, Concerning the Riots committed in New Jersey, and the Pretences of the Rioters, and their Seducers. These Papers will give a better Light into the History and Constitution of New Jersey than any Thing hitherto published, the Matters whereof have been chiefly collected from Records. Published by Subscription: Printed by James Parker, in New York, 1747, and a few Copies are to be Sold by him and Benjamin Franklin, in Philadelphia. Price, bound, and Maps coloured, Three Pounds; plain and stitcht only, Fifty Shillings, Proclamation Money.*

[4] It is to be regretted that one who is styled by Smith, the historian of New York, "a gentleman eminent in the law, and equally distinguished for his humanity, generosity, great ability, and honorable stations," should never have had his biography written. [Alexander's own copy of the bill was sold in the Brinley sale, 1880, No. 3591, and contained considerable manuscript additions in his handwriting. — ED.]

for the defendants being William Livingston, afterward Governor of New Jersey, and William Smith, Jr., who became Chief-Justice of New York, and subsequently, after the war of Independence, Chief-Justice of Canada. The copies now extant are very rare.[1] Although not as voluminous it was fully as prolix as the document which prompted it. Notwithstanding the great amount of labor which this case required both in its preparation and argument, it was never brought to a conclusion. The Revolution of 1776 effectually interrupted the progress of the suit, and it was never afterward revived. Both bill and answer, however, and other smaller publications which resulted from the trial of the case, must ever be considered as valuable historical documents, emanating as they all did from parties more or less interested in the questions involved, and consequently earnestly desirous of eliciting every fact that could throw any light upon them.[2]

The first general history of New Jersey was that of Samuel Smith, published in 1765.[3] It is valuable to all examining the early history of the State, from the author's having had access to, and judiciously used, information obtained from various sources not now accessible. He gives some interesting letters from early settlers, elucidating the events comprehended in the period we have had under review; and although, as might naturally be expected, errors are occasionally found in it, Smith's *History of New Jersey* has ever

[1] The following is the title of the publication: *An Answer to a Bill in the Chancery of New Jersey, at the suit of John, Earl of Stair, and others, commonly called Proprietors of the Eastern Division of New Jersey, against Benjamin Bond and others, claiming under the original Proprietors and Associates, of Elizabeth-Town. To which is added: Nothing either of The Publications of The Council of Proprietors of East New-Jersey, or of The Pretences of the Rioters and their Seducers; Except, so far as the Persons meant by Rioters Pretend Title against the Parties to the above Answer; but a Great Deal of the Controversy, Though Much Less of the History and Constitution of New Jersey than the said Bill. Audi Alteram Partem. Published by Subscription. New York: Printed and Sold by James Parker at the New Printing Office in Beaver Street.* 1752, pp. 218, *folio.*

[2] Of the minor publications meriting attention the following are thought worthy of notice here: —

A Brief Vindication of the Purchassors Against the Proprietors in a Christian Manner. 48 *pages* 20*mo. New York,* 1746.

An Answer to the Council of Proprietors' two Publications, set forth at Perth Amboy the 25th of March, 1746, *and the 25th of March,* 1747. *As also some observations on Mr. Nevill's Speech to the House of Assembly in relation to a Petition presented to the House of Assembly, met at Trentown, in the Province of New Jersey, in May,* 1746. *New York: Printed and sold by the Widow Catharine Zenger,* 1747. *Folio,* pp. 13. This is very rare, only two copies known.

A Pocket Commentary of the first settling of New Jersey by the Europeans; and an Account or fair detail of the original Indian East Jersey Grants, and other rights of the like tenor in East New Jersey. Digested in order. New York: Printed by Samuel Parker. 1759. 8*vo.*

To these may be added the following of an earlier date: —

A further account of New Jersey in an Abstract of Letters lately writ from thence by several inhabitants there resident, 1676. This has been reprinted in fac-simile by Mr. Brinton Coxe.

The true state of the case between John Fenwick, Esq., and John Eldridge and Edmund Warner, concerning Mr. Fenwick's Ten Parts of his land in West New Jersey in America. London, 1677; Philadelphia, reprinted 1765. A copy is in the Pennsylvania Historical Society's Library, as I am informed by Mr. F. D. Stone, the librarian.

An Abstract or Abbreviation of some few of the many (Later and Former) Testimony from the inhabitants of New Jersey and other eminent persons who have wrote particularly Concerning that Place. London, 1681. 4mo. 32 pp. Several of these letters, between 1677 and 1680, are printed in Smith's *History.* The preface and whole tenor of the publication shows that rumors published in London were having a detrimental effect. There is a copy in the Carter-Brown Library.

Proposals by the Proprietors of East New Jersey in America for the building of a town on Amboy Point, and for the disposition of Lands in that Province. London, 1682, 4mo. 6 pp.

[3] *The History of the Colony of Nova-Cæsaria, or New Jersey; containing an account of its First Settlement, progressive improvements, the original and present Constitution, and other events, to the year* 1721, *with some particulars since; and a short view of its present state. By* SAMUEL SMITH, *Burlington, in New Jersey. Printed and sold by James Parker. Sold also by David Hall, in Philadelphia, MDCCLXV.* 8*vo.* [Smith was born in 1720, and died in 1776. This edition is a rare book, and may be worth $25.00. Copies have brought much higher sums. — ED.]

been deservedly considered a standard work.[1] Proud, whose *History of Pennsylvania* contains much matter referring to West Jersey that is usefully arranged, acknowledges his indebtedness to Smith, and gives him the credit of being "the person who took the most pains to adjust and reduce these materials into nice order, as might be proper for the public view," previous to his own undertaking; and the old historian, if cognizant of what is taking place in his native State at this late day, must be gratified to find how freely modern writers have transferred his pages to their books, even though no acknowledgment of indebtedness to him has been made.

In 1748 the acts of the General Assembly of New Jersey, from the time of the surrender of the government to the Crown in the second year of Queen Anne, were published under the supervision of Samuel Nevill, second Judge of the Supreme Court of the Province, and, in consequence, the popular party were aroused into having the early grants and concessions also arranged and published. About 1750 a committee was appointed to collate the early manuscripts connected with the proprietary grants, and subsequently Aaron Leaming and Jacob Spicer were empowered to have them printed, and to them does the credit belong of giving to their fellow-citizens the admirable compilation that is generally quoted under their names.[2] It contains all the agreements, deeds, concessions, and public acts from 1664 to 1702, and the object in view by their compilation and the estimate in which they were held are apparent from a remark of the compilers in their preface. "If our present system of government," say they, "should not be judged so equal to the natural rights of a reasonable creature as the one that raised us to the dignity of a colony, let it serve as a caution to guard the cause of liberty."

This volume has been of great value to members of the Bar and of the Legislature, as well as to the historian, as it has preserved many documents the original depository of which is not now to be found.[3] At the present time, however, the State of New Jersey is publishing, under the direction of a committee of the Historical Society, a series of volumes entitled the *New Jersey Archives*, which is intended to include all important documents referring to the colonial history of the State, however widely the originals may be scattered in other depositories, — including all of interest now preserved in the Public Record Office of England, — and will probably be the authoritative reference hereafter for documentary evidence relating to the whole colonial period.[4]

The first volume issued by the New Jersey Historical Society as their *Collections* was published in 1846, and contained "East Jersey under the Proprietary Governments."[5]

[1] As late as 1877, a second edition was published without any alteration, — a questionable proceeding, but evincing the estimation in which the work is held at the present day. [It was issued by William S. Sharp at Trenton, and contains a brief memoir of the author by his nephew, the late John Jay Smith, of Germantown, Pennsylvania. — Ed.]

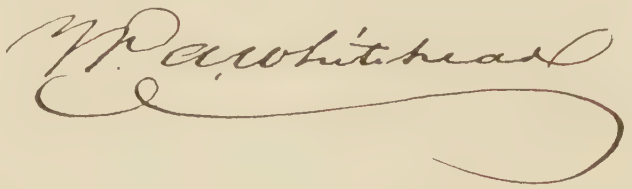
[2] It is entitled *The Grants, Concessions, and Original Constitutions of the Province of New Jersey; The Acts Passed during the Proprietary Governments, and other material Transactions before the Surrender thereof to Queen Anne; The Instrument of Surrender, and Her formal acceptance thereof; Lord Cornbury's Commission and Instructions consequent thereon. Collected by some Gentlemen employed by the General Assembly, And afterwards Published by Vertue of an Act of the Legislature of the said Province. With proper Tables, alphabetically digested, containing the principal Matters in the Book. By* Aaron Leaming *and* Jacob Spicer. *Philadelphia: Printed by W. Bradford, Printer to the King's Most Excellent Majesty for the Province of New Jersey.* Small folio, pp. 763. The date of printing does not appear upon the titlepage; but it is presumed to have been in 1758.

[3] Since this notice of the book was written a new edition of it has unexpectedly appeared, printed by Honeyman & Co., Somerville, New Jersey.

[4] *Documents relating to the Colonial History of the State of New Jersey.* [*First Series.*] *Edited by* William A. Whitehead. *Vol. I.* 1631–1687. *Newark: Daily Journal Establishment.* 1880. 8*vo.* Succeeding volumes cover a period later than that which now occupies us.

[5] Its full title was *East Jersey under the Proprietary Governments; a Narrative of Events connected with the settlement and progress of the Province, until the Surrender of the Government to the Crown in* 1702. *Drawn principally from original sources. By* William A. Whitehead. *With an appendix containing The Model of the Government of East New Jersey in America. By* George Scot, *of Pitlochie. Now first re-*

The author wrote his work fully sensible of the necessity for verifying much that had been allowed to pass as history, by seeking for and using original sources of information; and the volume elucidates many events that are alluded to in the preceding chapter.



printed from the original edition of 1685. 8*vo.* pp. 341. A second edition, revised and enlarged, making a volume of 486 pages, with a large number of fac-simile autographs, was published in 1875. [It was also published separate from the *Collections*. It contained a map of New Jersey, 1656, following Vanderdonck's, and another of East Jersey, with the settlements of about 1682, marked by Mr. Whitehead. — ED.]

EDITORIAL NOTE. — The *New Jersey Archives* will contain every essential document noted in *An Analytical Index to the Colonial Documents of New Jersey in the state-paper offices of England, compiled by Henry Stevens, edited with notes and references to printed works and manuscripts in other depositories*, by William A. Whitehead, New York, 1858.

In 1843 a movement was made in the State Legislature to emulate the action of New York in securing from the English Archives copies of its early historical documents; and in the next year the judiciary committee made a report on the subject, which is printed in the preface of this Index, p. vii. This, however, failed of effect, as did a movement in 1845; but it made manifest the necessity of an historical society, as a source of influence for such end; and the same year the New Jersey Historical Society was formed, of which Mr. Whitehead has been the corresponding secretary from the start. This society reinforced the movement in the State Legislature; but no result being reached, it undertook of its own action the desired work, and in 1849 gave a commission to Mr. Henry Stevens to make an analytical index of the documents relating to New Jersey to be found in England. This being furnished, the State legislature failing to respond in any co-operative measures for the enlargement of it from the domestic records of the State, Mr. Whitehead undertook the editing, as explained in the title, and appended to the volume a bibliography of all the principal printed works relating to New Jersey up to 1857. Mr. Stevens's enumeration began with 1663–64, the editor adding two earlier ones of 1649 and 1651. But a small part of the list, however (13 pp. out of 470), refers to the period covered by the present chapter, and many of those mentioned had already been printed.

The *Sparks Catalogue* shows "Papers relating to New Jersey, 1683–1775," collected by George Chalmers, which are now in Harvard College Library.

Some of the later general histories of the State may be mentioned: —

The History of New Jersey from its Discovery to the Adoption of the Federal Constitution, by Thomas F. Gordon, Trenton, 1834. There is a companion volume, a Gazetteer.

Civil and Political History of New Jersey, by Isaac S. Mulford, Camden, 1848. The author says "no claim is advanced for originality or learning," his object being to make accessible scattered information in a "simple and compendious narrative," which is not altogether carefully set forth. A new edition was issued in 1851 in Philadelphia.

The History of New Jersey, by John O. Raum, 2 vols. Philadelphia, 1877, is simply, so far as the early chronicles are concerned, a repetition mostly of Smith and Gordon, though no credit is given to those authorities.

A few of the local histories also deserve some notice: —

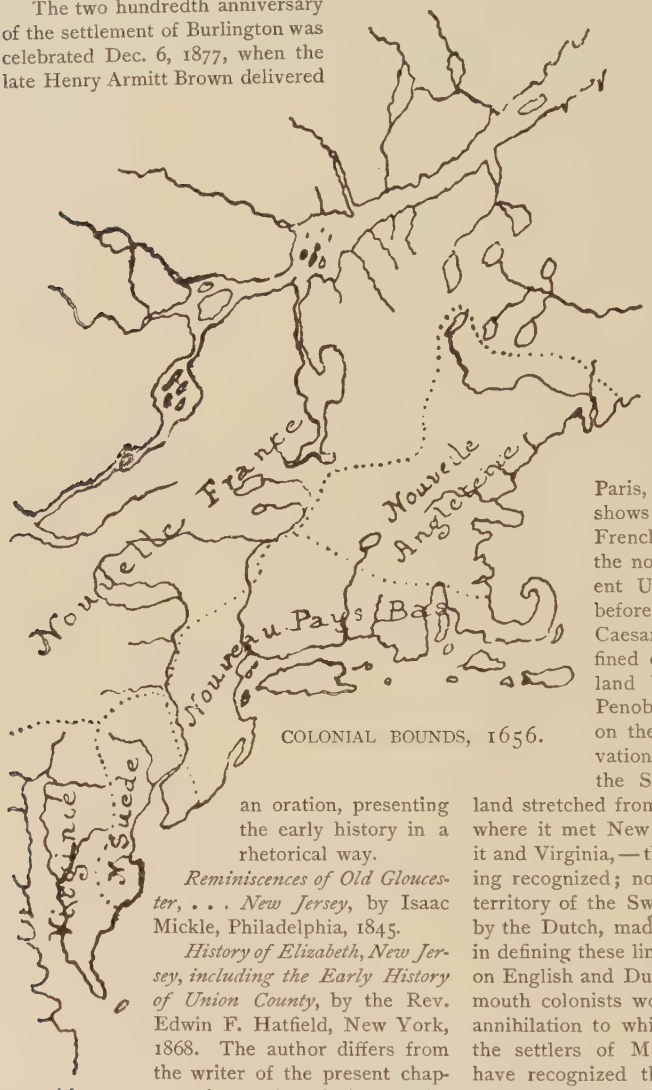
Contributions to the Early History of Perth Amboy and adjoining Country, by William A. Whitehead, New York, 1856. The author says, "No attempt has been made to clothe with the importance of history these desultory gleanings." It has a map of the original laying-out, following what is presumed to have been an original survey of 1684.

An Historical Account of the First Settlement at Salem in West Jersey, by John Fenwicke, Esq., chief proprietor of the same; with [continuation]

by R. S. Johnson, Philadelphia, 1839, 24mo. pp. 173. Mr. Johnson's memoir of Fenwicke is in the New Jersey Hist. Soc. Proc. iv.

The Hon. John Clement, of Haddonfield, has prepared a *History of Fenwicke's Colony*.

The two hundredth anniversary of the settlement of Burlington was celebrated Dec. 6, 1877, when the late Henry Armitt Brown delivered an oration, presenting the early history in a rhetorical way.



COLONIAL BOUNDS, 1656.

Reminiscences of Old Gloucester, . . . New Jersey, by Isaac Mickle, Philadelphia, 1845.

History of Elizabeth, New Jersey, including the Early History of Union County, by the Rev. Edwin F. Hatfield, New York, 1868. The author differs from the writer of the present chapter with respect to the merits of the conflict between the Proprietors and the people. The foot-note references are ample.

History of the County of Hudson from its Earliest Settlement, by Charles H. Winfield, New York, 1874.

Historical Sketch of the County of Passaic, especially of the First Settlements and Settlers. Privately printed, by William Nelson, Paterson, 1877.

The History of Newark, New Jersey, being a Narrative of its Rise and Progress from May, 1666, by Joseph Atkinson, Newark, 1878; a book giving, however, only in a new garb, the older chronicles of the place. It gives a map of the town as laid out in 1666.

The annexed sketch-map is an extract from a map entitled, *Le Canada, ou Nouvelle France, etc., par N. Sanson d'Abbeville, geographe ordinaire du Roy*, Paris, 1656, and by its dotted lines shows the limits conceded by the French to the different colonies of the northern seaboard of the present United States, a few years before the establishment of New Caesaria. New England was defined on the east by the height of land between the waters of the Penobscot and the Kennebec, and on the northwest by a similar elevation that turned the rainfall to the St. Lawrence. New Netherland stretched from Cape Cod to the Delaware, where it met New Sweden, which lay between it and Virginia, — the Maryland charter not being recognized; nor was the absorption of the territory of the Swedes the year before (1655), by the Dutch, made note of. The map-maker, in defining these limits, pretends to have worked on English and Dutch authorities; but the Plymouth colonists would have hardly allowed the annihilation to which they were subjected, and the settlers of Massachusetts would scarcely have recognized the names attached to their headlands and harbors, and never having any existence but in Smith's map, which the royal geographer seems to have fallen in with.

NOTE ON NEW ALBION.

BY GREGORY B. KEEN,

Late Professor of Mathematics in the Theological Seminary of St. Charles Borromeo, Corresponding Secretary of the Historical Society of Pennsylvania.

THE English did not attain supreme dominion in New York, New Jersey, Pennsylvania, or Delaware until the grant of King Charles II. to his royal brother, the Duke of York, in 1664; yet the history of these States and that of Maryland would not be complete without specific mention of the antecedent attempt to settle this part of America, made by the unsuccessful colonist Sir Edmund Plowden.

This person was a member of a Saxon family of Shropshire, England, whose antiquity is sufficiently intimated by the meaning of its surname, "Kill-Dane," — being the second son of Francis Plowden, Esq., of Plowden, Salop, and grandson of the celebrated lawyer and author of the *Commentaries*, Serjeant Edmund Plowden, a Catholic, who declined the Lord-Chancellorship of England, offered him by Queen Elizabeth, lest he should be forced to countenance her Majesty's persecutions of his Church.[1] In 1632, this gentleman, who like his ancestors and other relatives was a Catholic,[2] and at that time resided in Ireland,[3] in company with "Sir John Lawrence, Kt. and Bart., Sir Boyer Worsley, Kt., John Trusler, Roger Pack, William Inwood, Thomas Ryebread, Charles Barret, and George Noble, adventurers," petitioned King Charles I. for a patent, under his Majesty's seal of Ireland, for "Manitie, or Long Isle," and "thirty miles square of the coast next adjoining, to be erected into a County Palatine called Syon, to be held of" his "Majesty's Crown of Ireland, without appeal or subjection to the Governor or Company of Virginia, and reserving the fifth of all royal mines, and with the like title, dignity, and privileges to Sir Edmund Plowden there as was granted to Sir George Calvert, Kt., in New Foundland by" his "Majesty's royal father, and with the usual grants and privileges to other colo-

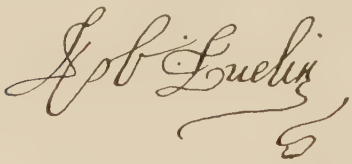
[1] On the family of Sir Edmund Plowden, see Burke's *Commoners* and *Landed Gentry of Great Britain and Ireland*, under "Plowden;" Baker's *Northamptonshire*, under "Fermor;" the *Visitation of Oxfordshire*, published by the Harleian Society, and other works cited below, particularly *Records of the English Province of the Society of Jesus*, by Henry Foley, S. J. (London, 1875–1882), especially vol. iv. pp. 537 *et seq.*

[2] On this point, see Father Foley's *Records*, just mentioned, and "A Missing Page of Catholic American History, — New Jersey colonized by Catholics," by the Rev. R. L. Burtsell, D.D., in the *Catholic World* for November, 1880 (xxxii. 204 *et seq.*, New York, 1881). Sir Edmund Plowden was not so stanch in his adherence to his faith as was his illustrious grandfather, for in 1635 he is said (temporarily, at least) to have counterfeited conformity in religion. See "Sir Edmund Plowden in the Fleet," by the Rev. Edward D. Neill, in the *Pennsylvania Magazine*, v. 424 *et seq.*, an article which "furnishes some facts relative to the career of Sir Edmund Plowden just before he left England for Virginia," from "the calendars of British State papers during the reign of Charles the First."

[3] See "Sir Edmund Plowden or Ployden," by "Albion," in *Notes and Queries*, iv. 319 *et seq.* (London, 1852), containing so many statements not elsewhere met with as to have provoked a series of pertinent queries from the late Sebastian F. Streeter, Secretary of the Maryland Historical Society, Ibid., ix. 301–2 (London, 1854), several of which, unfortunately, are still unanswered.

nies," etc. And a modified form of this prayer was subsequently presented to the monarch, in which the island spoken of is called "Isle Plowden," and the county palatine "New Albion," and the latter is enlarged to include "forty leagues square of the adjoining continent," the supplicants "promising therein to settle five hundred inhabitants for the planting and civilizing thereof." The favor sought was immediately conceded, and the King's warrant, authorizing the issue of a patent to the petitioners, and appointing Sir Edmund Plowden "first Governor of the Premises," was given at Oatlands, July 24, the same year;[1] in accordance with which, a charter was granted to Plowden and his associates above mentioned, by writ of Privy Seal, witnessed by the Deputy-General of Ireland, at Dublin, June 21, 1634.[2] In this document the boundaries of New Albion are so defined as to include all of New Jersey, Maryland, Delaware, and Pennsylvania embraced in a square, the eastern side of which, forty leagues in length, extended (along the coast) from Sandy Hook to Cape May, together with Long Island, and all other "isles and islands in the sea within ten leagues of the shores of the said region." The province is expressly erected into a county palatine, under the jurisdiction of Sir Edmund Plowden as earl, depending upon his Majesty's "royal person and imperial crown, as King of Ireland;" and the same extraordinary privileges are conferred upon the patentee as had been bestowed two years before upon Lord Baltimore, to whose charter for Maryland that for New Albion bears very close resemblance.

Two of the petitioners, Worsley and Barret, afterward dying, "the whole estate and interest" in the grant became vested in the seven survivors, and of these, Ryebread, Pack, Inwood, and Trusler, in consideration of gifts of five hundred acres of land in the province, abandoned their claims, Dec. 20, 1634, in favor of "Francis, Lord Plowden, son and heir of Sir Edmund, Earl Palatine," and George and Thomas Plowden, two other of his sons, their heirs and assigns, forever. The same year, apparently,[3] Plowden granted to Sir Thomas Danby a lease of ten thousand acres of land, one hundred of which were "on the northeast end or cape of Long Island," and the rest in the vicinity of Watsessett, presumed to be near the present Salem, New Jersey, with "full liberty and jurisdiction of a court baron and court leet," and other privileges for a "Town and Manor of Danby Fort," conditioned on the settlement of one hundred "resident planters in the province," not suffering "any to live therein not believing or professing the three Christian creeds commonly called the Apostolical, Athanasian, and Nicene."



The plans of the Earl Palatine were simultaneously advanced by the independent voyages of Captain Thomas Yong, of a Yorkshire family, and his nephew and lieutenant, Robert Evelin, of Wotton, Surrey, undertaken in virtue of a special commission from the King, dated Sept. 23, 1633, to discover parts of America not

[1] The petitions and warrant mentioned, with a paper entitled "The Commodities of the Island called Manati ore Long Isle within the Continent of Virginia," extracted from Strafford's *Letters and Despatches* (i. 72) and *Colonial Papers* (vol. vi. nos. 60, 61), in the Public Record Office at London, are given in the *N. Y. Hist. Soc. Coll.*, 1869, pp. 213 *et seq.* (New York, 1870). "Between this period and 1634," according to "Albion," "Sir Edmund was engaged in fulfilling the conditions of the warrant by carrying out the colonization by indentures, which were executed and enrolled in Dublin, and St. Mary's, in Maryland, in America. In Dublin the parties were Viscount Muskerry, 100 planters; Lord Monson, 100 planters; Sir Thomas Denby, 100 planters; Captain Clayborne (of American notoriety), 50; Captain Balls; and amounting in all to 540 colonizers, beside others in Maryland, Virginia, and New England." The same persons, with "Lord Sherrard" and "Mr. Heltonhead" and his brother, are named as lessees under the charter of New Albion, in Varlo's *Floating Ideas of Nature*, ii. 13, hereafter spoken of.

[2] "Confirmed," says "Albion," "24th July, 1634." The Latin original of this charter may be seen in the *Pennsylvania Magazine*, vol. vii. p. 50 *et seq.* (Philadelphia, 1883), with an Introductory Note by the writer, embracing Printz's account of Plowden, extracts from the wills of Sir Edmund and Thomas Plowden, and a portion of Varlo's pamphlet, hereafter referred to.

[3] So "Albion."

"actually in the possession of any Christian Prince."[1] These persons sailed from Falmouth, Friday, May 16, 1634, and arriving between Capes Charles and Henry the 3d of July, left Virginia on the 20th to explore the Delaware for a "Mediterranean Sea," said by the Indians "to be four days' journey beyond the mountains," from which they hoped to find an outlet to the Pacific Ocean, affording a short passage to China and the East Indies. On the 25th they entered Delaware Bay and proceeded leisurely up the river (which Yong named "Charles," in honor of his sovereign), conversing and trading with the savages, as far as the present Trenton Falls, which they reached the 29th of August, and where they were obliged to stop, on account of the rocks and the shallowness of the water. On the 1st of September they were overtaken here by some "Hollanders of Hudson's River," whom Yong entertained for a few days, but finally required to depart under the escort of Evelin, who afterward explored the coast from Cape May to Manhattan, and on his return made a second ineffectual attempt to pass beyond the rocks in the Delaware.[2] Both Yong and Evelin "resided several years" on this river, and undertook to build a fort there at "Eriwomeck," in the present State of New Jersey. Tidings of their actions were frequently reported to Sir Edmund Plowden, and in 1641 was printed a *Direction for Adventurers and Description of New Albion*,[3] in a letter addressed to Lady Plowden, written by Evelin. Books concerning the province were likewise published, it is said,[4] in 1637 and 1642.

About the close of 1641, the Earl Palatine at length visited America in person, and, according to the testimony of Lord Baltimore,[5] "in 1642 sailed up Delaware River," one of his men, named by Plantagenet "Master Miles," either then or about that time "swearing the officers" of an English settlement of seventy persons, at "Watcessit" (doubtless the New Haven colonists at Varkens Kil, now Salem Creek, New Jersey[6]), to "obedience" to him "as governor." Plowden's residence was chiefly in Virginia, where, it is recorded, he bought a half-interest in a barque in 1643;[7] and it is probable that he had communication with Governor Leonard Calvert, of Maryland, since a maid-servant belonging to him accompanied Margaret Brent, the intimate friend of the latter, on a visit to the Isle of Kent, in Chesapeake Bay.[8] The longest notice of him during his sojourn on our continent occurs in a report of Johan Printz, Governor of New Sweden, to the Swedish West India Company, dated at Christina (now Wilmington, Delaware), June 20, 1644,[9] the importance of which induces the writer to translate the whole of it. Says Printz, —

"In my former communications concerning the English knight, I have mentioned how last year, in Virginia, he desired to sail with his people, sixteen in number, in a barque, from Hecke-

[1] Printed in Rymer's *Fœdera*, xix. 472 *et seq.*, A.D. 1633, and reprinted in Ebenezer Hazard's *Historical Collections*, i. 338 *et seq.*, Philadelphia, 1792. For biographical accounts of Yong and Evelin, see *Memoir and Letters of Captain W. Glanville Evelyn* (Oxford, 1879), and *The Evelyns in America* (Ibid., 1881), both edited and annotated by G. D. Scull; cf. also "Robert Evelyn, Explorer of the Delaware," by the Rev. E. D. Neill, in the *Historical Magazine*, second series, vol. iv. pp. 75, 76; and Neill's *Founders of Maryland*, p. 54, note.

[2] These facts are stated in letters from Yong to Sir Tobie Matthew, referred to in the chapter on Maryland, which also contains a fac-simile of the signature of Thomas Yong.

[3] *Direction for Adventurers, and true description of the healthiest, pleasantest, and richest Plantation of New Albion, in North Virginia, in a letter from Mayster Robert Eveline, that lived there many years.* Small 4to. ("Liber rarissimus," Allibone.) It was reprinted in chapter iii. of Plantagenet's *Description of New Albion*, hereafter mentioned.

[4] So Beauchamp Plantagenet.

[5] Before the Committee of Trade. See Samuel Hazard's *Annals of Pennsylvania*, p. 109.

[6] With regard to whom see Vol. IV., chapter on "New Sweden."

[7] Hazard's *Annals*, pp. 109, 110, citing "Albany Records," iii. 224.

[8] "Sir Edmund Plowden," by the Rev. Edward D. Neill, *Pennsylvania Magazine of History*, v. 206 *et seq.*, citing "Manuscript records of Maryland, at Annapolis."

[9] Printed at the end of *Kolonien Nya Sveriges Grundläggning*, 1637–1642, af C. T. Odhner (Stockholm, 1876), referred to in Vol. IV., chapter on "New Sweden." The "former communications" spoken of in it cannot be found, although they have been diligently sought for, on behalf of the writer, in Sweden.

mak to Kikathans;[1] and when they came to the Bay of Virginia, the captain (who had previously conspired with the knight's people to kill him) directed his course not to Kikethan, but to Cape Henry, passing which, they came to an isle in the high sea called Smith's Island, when they took counsel in what way they should put him to death, and thought it best not to slay him with their hands, but to set him, without food, clothes, or arms, on the above-named island, which was inhabited by no man or other animal save wolves and bears; and this they did. Nevertheless, two young noble retainers, who had been brought up by the knight, and who knew nothing of that plot, when they beheld this evil fortune of their lord, leaped from the barque into the ocean, swam ashore, and remained with their master. The fourth day following, an English sloop sailed by Smith's Island, coming so close that the young men were able to hail her, when the knight was taken aboard (half dead, and as black as the ground), and conveyed to Hackemak, where he recovered. The knight's people, however, arrived with the barque May 6, 1643, at our Fort Elfsborg, and asked after ships to Old England. Hereupon I demanded their pass, and inquired from whence they came; and as soon as I perceived that they were not on a proper errand, I took them with me (though with their consent) to Christina, to bargain about flour and other provisions, and questioned them until a maid-servant (who had been the knight's washerwoman) confessed the truth and betrayed them. I at once caused an inventory to be taken of their goods, in their presence, and held the people prisoners, until the very English sloop which had rescued the knight arrived with a letter from him concerning the matter, addressed not alone to me, but to all the governors and commandants of the whole coast of Florida. Thereupon I surrendered to him the people, barque, and goods (in precise accordance with the inventory), and he paid me 425 riksdaler for my expenses. The chief of these traitors the knight has had executed. He himself is still in Virginia, and (as he constantly professes) expects vessels and people from Ireland and England. To all ships and barques that come from thence he grants free commission to trade here in the river with the savages; but I have not yet permitted any of them to pass, nor shall I do so until I receive order and command to that effect from my most gracious queen, her Royal Majesty of Sweden."

Printz's opposition to Plowden's encroachment within his territory was never relaxed, and was entirely successful. In the course of his residence in America, the Earl Palatine of New Albion visited New Amsterdam, "both in the time of Director Kieft and in that of General Stuyvesant," and, according to the *Vertoogh van Nieu Nederland*,[2] "claimed that the land on the west side of the North River to Virginia was his by gift of King James [Charles] of England, but said he did not wish to have any strife with the Dutch, though he was very much piqued at the Swedish governor, John Printz, at the South River, on account of some affront given him, too long to relate; adding that when an opportunity should offer, he would go there and take possession of the river." Before re-crossing the ocean, he went to Boston, his arrival being recorded in the Journal of Governor John Winthrop, under date of June 4, 1648, having "been in Virginia about seven years. He came first," says the Governor, "with a patent of a County Palatine for Delaware Bay, but wanting a pilot for that place, went to Virginia, and there having lost the estate he brought over, and all his people scattered from him, he came hither to return to England for supply, intending to return and plant Delaware, if he could get sufficient strength to dispossess the Swedes."

Immediately on reaching Europe, Plowden set about this task, and, to obtain the greater credit for his title as "Earl Palatine of New Albion," both in and out of that province, as well as recognition of the legality and completeness of his charter, submitted a copy of the latter to Edward Bysshe, "Garter Principal King of Arms of Englishmen," who received favorable written opinions on the subject from several serjeants and doctors of laws, which, with the letters patent, were recorded by him Jan. 23, 1648/9, "in the

[1] Accomack and Kecoughtan (as it is usually spelled by English writers), the present Hampton. The diverse orthography of the text conforms to the original. The places are noted on contemporary maps.

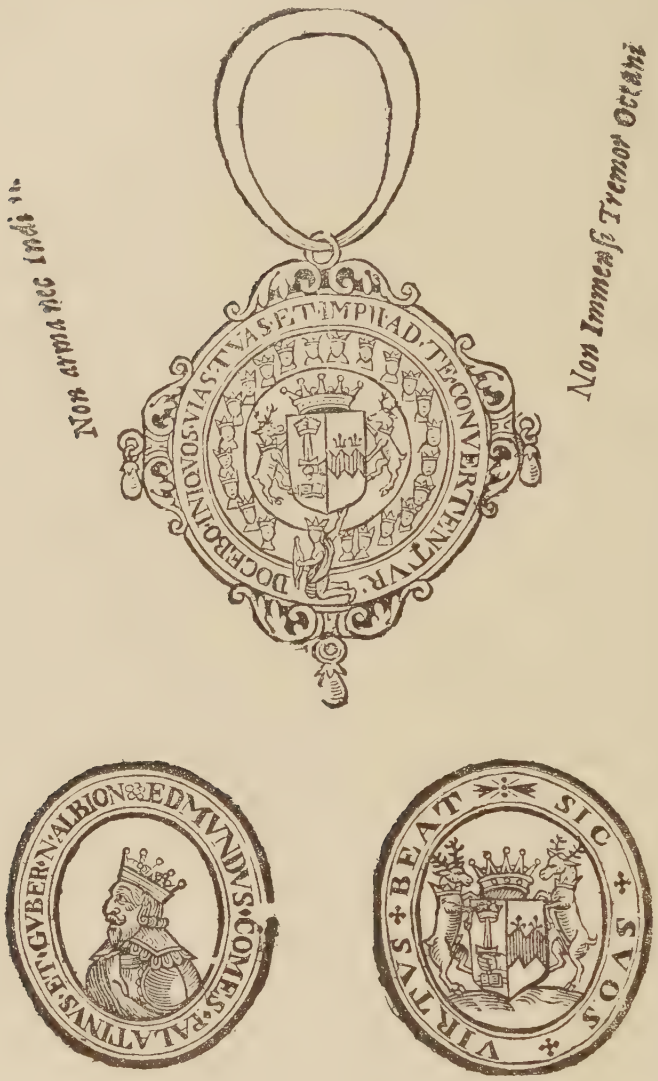
[2] Cited in Vol. IV., chapter on "New Sweden." John Romeyn Brodhead, in his *History of the State of New York*, i. 381, 484, mentions Plowden's visits to Manhattan as occurring in 1643 and 1648.

office of arms, there to remain in perpetual memory."[1] At the same time (December, 1648) there was published another advertisement of Plowden's enterprise, entitled *A Description of the Province of New Albion*,[2] by "Beauchamp Plantagenet, of Belvil, in New Albion, Esquire," purporting to contain "a full abstract and collection" of what had already been written on the theme, with additional information acquired by the Earl Palatine during his residence in America. The work is dedicated "To the Right Honourable and mighty Lord Edmund, by Divine Providence Lord Proprietor, Earl Palatine, Governour, and Captain-Generall of the Province of New Albion, and to the Right Honourable the Lord Vicount Monson of Castlemain, the Lord Sherard, Baron of Letrim, and to all

[1] Scull's *Evelyns in America*, p. 361 *et seq.* The lawyers referred to were Henry Clerk and Arthur Turner, serjeants-at-law, and Arthur Ducke, Thomas Ryves, Robert Mason, William Merricke, Giles Sweit, Robert King, and William Turner, doctors of laws; of whom, says the editor, two at least, Ducke and Ryves, are "recognized as very able and learned lawyers in their day." The rest, as well as Bysshe, speak of the letters patent as "under the Great Seal of Ireland." I am informed by Mr. Scull that the documents mentioned constitute a manuscript folio volume now in the Bodleian Library, Oxford.

[2] *A Description of the Province of New Albion. And a Direction for Adventurers with small stock to get two for one, and good land freely: And for Gentlemen, and all Servants, Labourers, and Artificers to live plentifully. And a former Description re-printed of the healthiest, pleasantest, and richest Plantation of New Albion in North Virginia, proved by thirteen witnesses. Together with a Letter from Master Robert Evelin, that lived there many years, shewing the particularities, and excellency thereof. With a briefe of the charge of victuall, and necessaries, to transport and buy stock for each Planter, or Labourer, there to get his Master £50 per Annum, or more in twelve trades, at £10 charges onely a man. Printed in the Year* 1648. Small 4to, 32 pp. (Sabin's *Dictionary*, vol. v. no. 19,724.) On the *verso* of the titlepage (reproduced here from the copy of the book in the Philadelphia Library) appear: "The Order, Medall, and Riban of the Albion Knights, of the Conversion of 23 Kings, their support;" the medal (given also in Mickle's *Reminiscences of Old Gloucester*) bearing on its face a coroneted effigy of Sir Edmund Plowden, surrounded by the legend, 'EDMUNDUS . COMES . PALATINUS . ET . GUBER . N . ALBION,' and on the reverse two coats of arms impaled; the dexter, those of the Province of New Albion, namely, the open Gospel, surmounted by a hand dexter issuing from the partiline grasping a sword erect, surmounted by a crown; the sinister, those of Plowden himself, a *fesse dancettée* with two *fleurs-de-lis* on the upper points; supporters, two bucks rampant gorged with crowns,—the whole surmounted by the coronet of an Earl Palatine, and encircled with the motto, 'SIC SUOS VIRTUS BEAT;' and the order consisting of this achievement encircled by twenty-two heads couped and crowned, held up by a crowned savage kneeling,—the whole surrounded with the legend, 'DOCEBO INIQUOS VIAS TUAS, ET IMPII AD TE CONVERTENTUR.'" These engravings are accompanied by Latin mottoes and English verses on "Ployden" and "Albion's Arms." The work is the subject of an essay entitled "An Examination of Beauchamp Plantagenet's Description of the Province of New Albion," by John Penington, in the *Memoirs of the Historical Society of Pennsylvania*, vol. iv. pt. i. pp. 133 *et seq.* (Philadelphia, 1840), for which the writer is very justly censured by a reviewer in the *Gentleman's Magazine* for August, 1840, in these terms: "He has shown himself not unskilful in throwing ridicule upon the exaggerations and falsifications with which (as unhappily has been generally the case with such compositions in all ages) the prospectus of Ployden, or Plowden, abounds; but he has failed in the more difficult task of separating truth from falsehood." The same critic says: "It is clear to us that the pamphlet was issued with the consent, and probably at the procuration and charges, of Sir Edmund Ployden;" and he attempts to throw some light upon the personality of the author, whose name of "Plantagenet," undoubtedly, is fictitious. Besides the copy of the *Description of New Albion* in the Philadelphia Library, there is another in the Carter-Brown Library (*Catalogue*, vol. ii. no. 649), at Providence; three are mentioned by Mr. Penington as included in private libraries; and two, says the writer in the *Gentleman's Magazine*, are preserved in the British Museum. The book was reprinted from the Philadelphia copy in *Tracts and Other Papers* collected by Peter Force, vol. ii. no. 7 (Washington, 1838), and again reprinted from Force in Scull's *Evelyns in America*, p. 67 *et seq.* The citations in the text are taken directly from the Philadelphia and Carter-Brown copies, which will account for some variations from these occasionally inaccurate reprints. A second edition of the original is mentioned by Lowndes as published in 1650. See the *Huth Catalogue*, which says: "The original edition was doubtless published at Middleburgh in 1641 or 1642."

other the Vicounts, Barons, Baronets, Knights, Gentlemen, Merchants, Adventurers, and Planters of the hopefull Company of New Albion, in all 44 undertakers and subscribers, bound by Indenture to bring and settle 3,000 able trained men in our said severall Plantations in the said Province," — the author, himself "one of the Company," professing to "have had the honour to be admitted as" the "familiar" of Plowden, and to "have marched, lodged, and cabbined" with him, both "among the Indians and in Holland."[1] It opens with a short treatise "of Counts or Earls created, and County Palatines," followed by an adulatory account of the family of the Proprietor, and a defence of his title to his province, comprising some


Non Immeſt Tremor Oceani
EDMVNDVS·COMES·PALATINVS·ET·GVBERNATOR·ALBION
SIC VIRTVS BEATOS
True virtue mounted aloft on Honour high,
In a Serene Conſcience as clear as skie.
All power on life and death, the Sword and Crown,
On Goſpels Truth ſhin[illegible] Honour and Renown.

...ns Arms.

...der, Medall, and Riban of the Albion Knights, of the Converſion of ...: their Supporr.

sober, adorned with much Learning, enriched with sixe Languages, most grounded and experienced in forain matters of State policy, and government, trade, and sea voyages, by 4 years travell in Germany, France, Italy, and Belgium, by 5 years living an Officer in Ireland, and this last 7 years in America." "Sir Edmund Plowden," says "Albion," "was not inferior to any of his co-governors in ability, fortune, position, or family."

[1] An intimacy which authorized Plantagenet to speak thus of the Earl Palatine: "I found his conversation as sweet and winning, as grave and

original statements with regard to the Dutch[1] and Swedes. Specific mention is made of several tribes of Indians dwelling in New Albion, and of numerous "choice seats for English," some of which have been approximately identified.[2] "For the Politique and Civill Government, and Justice," says the writer, "Virginia and New England is our president: first, the Lord head Governour, a Deputy Governour, Secretary of Estate, or Sealkeeper, and twelve of the Councell of State or upper House; and these, or five of them, is also a Chancery Court. Next, out of Counties and Towns, at a free election and day prefixed, thirty Burgesses, or Commons. Once yearly these meet, as at a Parliament or Grand Assembly, and make Laws, . . . and without full consent of Lord, upper and lower House, nothing is done." "For Religion," observes the author, "I conceive the Holland way now practised best to content all parties: first, by Act of Parliament or Grand Assembly, to settle and establish all the Fundamentals necessary to salvation. . . . But no persecution to any dissenting, and to all such, as to the Walloons, free Chapels; and to punish all as seditious, and for contempt, as bitterly rail and condemn others of the contrary; for this argument or perswasion of Religion, Ceremonies, or Church-Discipline, should be acted in mildnesse, love, and charity, and gentle language, not to disturb the peace or quiet of the Inhabitants, but therein to obey the Civill Magistrate," — the latter remarkable programme of universal tolerance in matters of faith being probably designed to protect Catholic colonists in the same manner as the famous "Act concerning Religion" passed by the Maryland Assembly the following year. The book closes with some practical advice to "Adventurers," and promises all such "of £500 to bring fifty men shall have 5,000 acres, and a manor with Royalties, at 5*s.* rent; and whosoever is willing so to transport himself or servant at £10 a man shall for each man have 100 acres freely granted forever."

The only evidence we possess that any result flowed from this fresh attempt to promote emigration to New Albion is derived from documents in the Public Record Office at London,[3] stating that March 21, 1649–50, a "Petition of the Earl of New Albion relating to the plantation there" was "referred to the consideration of the Committee of Council;" that April 3, 1650, it was "referred to the Committee for Plantations, or any

[1] Reproduced in Heylin's *Cosmographie*, in Philips's enlarged edition of Speed's *Prospect of the Most Famous Parts of the World*, in Stith's *History of Virginia* (Williamsburg, 1747), and in the *Pocket Commentary of the first Settling of New Jersey by the Europeans* (New York, 1759). Compare "Councells Opinions concerning Coll. Nicholls pattent and Indian purchases," in *Doc. Col. Hist. N. Y.*, xiii. 486, 487 (Albany, 1881). On certain of these points, see "Expedition of Captain Samuel Argall," by George Folsom, in *N. Y. Hist. Soc. Coll.*, second series, i. 333 *et seq.* (New York, 1841), and Brodhead's *History of the State of New York*, i. 54, 55, 140, and notes E and F.

[2] See *Sketches of the Primitive Settlements on the River Delaware*, by James N. Barker (Philadelphia, 1827), Penington's work already cited, and "An Inquiry into the Location of Mount Ployden, the Seat of the Raritan King," by the Rev. George C. Schanck, in *New Jersey Hist. Soc. Proc.*, vi. 25 *et seq.* (Newark, N. J., 1853). According to Plantagenet, "The bounds is a thousand miles compasse, of this most temperate, rich Province, for our South bound is Maryland North bounds, and beginneth at Aquats or the Southermost or first Cape of Delaware Bay in thirty-eight and forty minutes, and so runneth by, or through, or including Kent Isle, through Chisapeack Bay to Pascatway, including the fals of Pawtomecke river to the head or Northermost branch of that river, being three hundred miles due West; and thence Northward to the head of Hudson's river fifty leagues, and so down Hudson's river to the Ocean, sixty leagues; and thence by the Ocean and Isles a crosse Delaware Bay to the South Cape, fifty leagues; in all seven hundred and eighty miles. Then all Hudson's river, Isles, Long Isle, or Pamunke, and all Isles within ten leagues of the said Province being; and note Long Isle alone is twenty broad, and one hundred and eighty miles long, so that alone is four hundred miles compasse." These limits of New Albion, as given in Smith's *History of New Jersey*, are cited by the Rev. William Smith, D.D., in *An Examination of the Connecticut Claim to Lands in Pennsylvania* (Philadelphia, 1774), with the remark, page 83: "This Grant, which was intended to include all the Dutch Claims, was the Foundation of the Duke of York's Grant."

[3] Domestic Interregnum, Entry Book, xcii. 108, 159, 441. Reprinted in *N. Y. Hist. Soc. Coll.* 1869, pp. 221–22.

three of them, to confer with the Earl of Albion concerning the giving good security to Council, that the men, arms, and ammunition, which he hath now shipped in order to his voyage to New Albion, shall go thither, and shall not be employed either there or elsewhere to the disservice of the public;" and that June 11, 1650, "a pass" was "granted for Mr. Batt and Mr. Danby, themselves and seven score persons, men, women, and children, to go to New Albion." We have no other proof of the sailing of these people, nor any knowledge of their arrival in America.

In 1651, there was offered for sale in London, *A mapp of Virginia*, compiled by "Domina Virginia Farrer,"[1] designating the territory on the Delaware as "Nova Albion," as well as "Sweeds' Plantation," with a note: "This River the Lord Ployden hath a Patten of, and calls it New Albion; but the Sweeds are planted in it, and have a great trade of Furrs." On the Jersey side of the stream are indicated the sites of "Richnek Woods," "Raritans," "Mont Ployden," "Eriwoms," and "Axion," and on the sea-coast "Egg Bay," all of which are mentioned in Plantagenet's *New Albion*.

At that time Plowden was still in England,[2] and we do not know that he ever returned to his province. In his will, dated July 29, 1655, he styles himself "Sir Edmund Plowden, of Wansted, in the County of Southton [Southampton], Knight, Lord, Earle Palatine, Governor and Captain-Generall of the Province of New Albion in America," and thinks "it fit that" his "English lands and estates be settled and united to" his "Honour, County Palatine, and Province of New Albion, for the maintenance of the same." In consequence of the "sinister and undue practises" of his eldest son, Francis Plowden, by whom, he says, "he had been damnified and hindered these eighteene yeares," "his mother, a mutable woman, being by him perverted," he bequeaths all his titles and property in England and America, including his "Peerage of Ireland," to his second son, Thomas Plowden, specially mentioning "the province and County Palatine of New Albion," whereof, he says, "I am seized as of free principality, and held of the Crowne of Ireland, of which I am a Peere, which Honor and title and province as Arundell, and many other Earledomes and Baronies, is assignable and saleable with the province and County Palatine as a locall Earledome." He provides for the occupation and cultivation of New Albion as follows: "I doe order and will that my sonne Thomas Plowden, and after his decease his eldest heire male, and if he be under age, then his guardian, with all speed after my decease, doe imploy, by consent of Sir William Mason, of Greys Inne, Knt., otherwise William Mason, Esquire, whom I make a Trustee for this my Plantation, all the cleare rents and profits of my Lands, underwoods, tythes, debts, stocks, and moneys, for full ten yeares (excepted what is beqeathed aforesaid), for the planting, fortifying, peopling, and stocking of my province of New Albion; and to summon and enforce, according to Covenants in Indentures and subscriptions, all my undertakers to transplant thither and there to settle their number of men with such as my estate yearly can transplant, — namely, Lord Monson, fifty; Lord Sherrard, a hundred; S^r^ Thomas Danby, a hundred; Captain Batts, his heire, a hundred; Mr. Eltonhead, a Master in Chancery, fifty; his eldest brother Eltonhead, fifty; Mr. Bowles, late Clerke of the Crowne, forty; Captain Claybourne, in Virginia, fifty; Viscount Muskery, fifty; and many others in England, Virginia, and New England, subscribed as by direction in my manuscript bookes since I resided six yeares there, and of policie a government there, and of the best seates, profits, mines, rich trade of furrs, and wares, and fruites, wine, worme silke and grasse silke, fish, and beasts there, rice, and floatable grounds for rice, flax, maples, hempe, barly, and corne, two crops yearely; to build Churches and Schooles there, and to indeavour to convert the Indians there to

[1] Reproduced herewith from a copy in the possession of John Cadwalader, Esq., of Philadelphia. It will be seen that Mr. Penington was correct in his account of this map, *op. cit.*, notwithstanding the criticisms of the reviewer of his work in the *Gentleman's Magazine*, which were based not on this, but on a similar map in *The Discovery of New Britaine* (London, 1651), in the British Museum, collated by "John Farrer, Esq." Cf. Editorial Note A, following chapter v.

[2] Neill's *Sir Edmund Plowden*, before cited.

35
36
37 Occidens
38
39
40
41
The Sea of China and the Indies.
Sir Francis Drake
Scala Miliarum
A mapp of Virginia discovered to ye Hills, and in its Latt: From 35 deg: & ½ neer Florida to 41. deg: bounds of new England.
Noua Francia
Ould VIRGINIA, & new
MARYLAND
the Lord Baltimors Plantation begun 1635
Noua Albion
Swedes Plant
Hollands Plant
Checcepiacks
200 miles
The Bay of
Elk river
Raritas
Cape Henry
Cape Charles
Cape Henlopen
Cape May
Cape Cod
Hudsons
Delawar Bay and River
Egg bay
Long Island
Rich wood
Mare
Meridies
Carolana
Manhatas
Nassaw
Sasafras river
Hudsons river
Delawar River
Susquehanock River
Potomack River
Rappahannock River
Mattapanient River
Pamaticans River
Chanoke
Occaniches
Wingandacoa
Scalar
Ca Fear
Occidens
Orientis
John Goddard sculp.
Domum Virginia Farrer Collegit
Are sold by P. Stephenson at ye Sun below Ludgate 1651

Christianity, and to settle there my family, kindred, and posterity." To each of eleven parishes in England, where he owned land, he left forty pounds; and directs that he be buried in the chapel of the Plowdens at Ledbury, in Salop, under a stone monument, with "brasse plates" of his "eighteene children had affixed at thirty or fourty powndes charges, together with" his "perfect pedigree as is drawne at" his "house." He "died," says "Albion," "at Wanstead, county of Southampton, in 1659," his will being admitted to probate in the Prerogative Court of Canterbury, July 27 of that year.[1] Thomas Plowden survived his father forty years, but what benefit he derived from the inheritance of New Albion does not appear. His own will is dated May 16, 1698, and was admitted to probate in the Prerogative Court of Canterbury the 10th of the following September. In it he describes himself as "Thomas Plowden, of Lasham, in the county of Southton, Gent;" and after leaving all his children and grandchildren "ten shillings a piece of lawfull English money," procceds: "I do give and bequeath unto my son Francis Plowden the Letters Pattent and Title, with all advantages and profitts thereunto belonging, And as it was granted by our late Sovereign Lord King Charles the first over England, under the great Seal of England, unto my ffather, Sir Edmund Plowden, of Wansted, in the County of Southton, now deceased, The province and County palatine of New Albion, in America, or in North Virginia and America, which pattent is now in the custody of my son-in-law, Andrew Wall, of Ludshott, in the said County of Southton, who has these severall years wrongfully detained it, to my great Loss and hinderance. And all the rest and residue of my goods, chattles, and personall Estate, after my debts and Legacies be paid and funerall discharged, I give and devise unto my wife, Thomazine Plowden, of Lasham."[2]

That Plowden's claim to the territory of New Albion was not forgotten in America, appears from the following allusions to it. In a conversation recorded by the Swedish engineer, Peter Lindström,[3] as occurring in New Sweden, June 18, 1654, between the Swedes and "Lawrence Lloyd, the English Commandant of Virginia," concerning the rights of their respective nations to jurisdiction over the Delaware, the latter laid particular stress upon the fact that "Sir Edward Ployde and Earl of Great Albion had a special grant of that river from King James." On the other hand, on occasion of the embassy of Augustine Herman and Resolved Waldron on behalf of the Director-General of New Netherland to the Governor of Maryland, in October, 1659, Plowden's title was spoken of by them as "subretively and fraudulently obtained" and "invalid;" while Secretary Philip Calvert affirmed that "Ployten had had no commission, and lay in jail in England on account of his debts, relating that he had solicited a patent for *Novum Albium* from the King, but it was refused him, and he thereupon applied to the Viceroy of Ireland, from whom he had obtained a patent, but that it was of no value,"[4] — allegations, it is understood, of interested parties, which therefore possess less weight as testimony against the rights of Plowden. At the same time the title of the Earl Palatine to his American province was recognized in the last edition of Peter Heylin's *Cosmographie*, which was revised by the author, and published in London in 1669,[5] and in Philips's

[1] The document is on file in the Prerogative Court of Canterbury, London, and has two seals attached to it, — described by "Albion" as Sir Edmund's "private seal of the Plowdens, and his Earl's with supporters, signed 'Albion,' the same as is given in Beauchamp Plantagenet's *New Albion*." The extracts in the text were copied from the original will by a London correspondent of the writer.

[2] Extract courteously made from the original at Somerset House, London, by the same correspondent. This gentleman assures me that, notwithstanding the declaration of "Albion" to the contrary, the will contains "no allusion whatever to the death of anybody at the hands of American Indians."

[3] In his manuscript Journal, preserved in Sweden.

[4] See *Doc. Col. Hist. N. Y.*, ii. 82, 92.

[5] In these terms: "A Commission was granted to Sir Edmund Ployden for planting and possessing the more Northern parts [of New Netherland], which lie towards New England, by the name of New Albion." Similarly (following Heylin) the *Pocket Commentary of the first Settling of New Jersey*.

enlarged edition of John Speed's *Theatre of the Empire of Great Britain* and *Prospect of the Most Famous Parts of the World*, printed in London in 1676.[1]

From this period the history of New Albion is more obscure. There is proof, however, of the residence in Maryland, in May, 1684, of certain Thomas and George Plowden, affirmed, on grounds of family tradition, by persons who claim to be descended from one of them, to be sons of a son of the original patentee, who had brought his wife and children to America to take possession of his estates, but had been murdered by the Indians. That the ancestral jurisdiction over the province was never entirely lost sight of, is shown by the circumstance that the title peculiar to it was constantly retained by later generations of this race.[2] Just before the American Revolution, Charles Varlo, Esq., of England, purchased the third part of the Charter of New Albion, and in 1784 visited this country with his family, "invested with proper power as Governor to the Province, . . . not doubting," as he says, "the enjoyment of his property." He made an extended tour through Long Island, New Jersey, Pennsylvania, Delaware, and Maryland, and distributed among the inhabitants a pamphlet,[3] comprising a translation in English of the Latin

[1] Maps of "New England and New York" and "Virginia and Maryland," in this work, name the region on the west side of the Delaware south of the Schuylkill "Aromaninck," which was understood by Mr. Neill to be the "Eriwomeck" of Yong and Evelin, placed, therefore, at that point by him in articles in the *Historical Magazine* and the *Pennsylvania Magazine of History*, before referred to. "Aromanink" is given on another map, one of Visscher's (from which these in Speed's work were partly derived), agreeing with several of the period in assigning "Ermomex" (quite as likely the true "Eriwomeck") to the eastern side of the Delaware. Modern historians of New Jersey, following a statement of Evelin, place Yong's Fort near Pensaukin Creek.

[2] For information with regard to this family, see Note B to Mr. Henry C. Murphy's translation of "The Representation of New Netherland," *N. Y. Hist. Soc. Coll.*, second series, ii. 323 *et seq.* (New York, 1849), and the Rev. Dr. Burtsell's article, already quoted. The latter lays particular stress upon the devout fidelity to the Catholic Church of the kinsfolk of the Earl Palatine of New Albion, whether in England or America, and intimates the Catholic character of Sir Edmund Plowden's projected colony.

[3] In 8vo, 30 pp., with the following titlepage: *The Finest Part of America. To be Sold, or Lett, From Eight Hundred to Four Thousand Acres, in a Farm, All that Entire Estate, called Long Island, in New Albion, Lying near New York: Belonging to the Earl Palatine of Albion, Granted to His Predecessor, Earl Palatine of Albion, By King Charles the First. *** The Situation of Long Island is well known, therefore needs no Description here. New Albion is a Part of the Continent of Terra Firma, described in the Charter to begin at Cape May; from thence Westward* 120 *Miles, running by the River Delaware, closely following its Course by the North Latitude, to a certain Rivulet there arising from a Spring of Lord Baltimore's, in Maryland; to the South from thence, taking its Course into a Square, bending to the North by a Right Line* 120 *Miles; from thence also into a Square inclining to the East in a right Line* 120 *Miles to the River and Port of Reacher Cod, and descends to a Savannah or Meadow, turning and including the Top of Sandy Hook; from thence along the Shore to Cape May, where it began, forming a Square of* 120 *Miles of good Land. Long Island is mostly improved and fit for a Course of Husbandry. N.B. — Great Encouragement will be given to improving Tenants, by letting the Lands very cheap, on Leases of Lives, renewable for ever.* ☞ *Letters* (*Post paid*) *signed with real Names, directed for F. P., at Mr. Reynell's Printing-Office, No.* 21, *Piccadilly, near the Hay-Market, will be answered, and the Writer directed where he may be treated with, relative to the Conditions of Sale, Charter, Title Deeds, a Map, with the Farms allotted thereon, etc., etc. Just Published, and may be had as above* (*Price One Shilling*), *A True Copy of the Above Charter, With the Conditions of Letting, or Selling the Land, and other Articles relating thereto.* A copy of this rare tract (that collated by Sabin, and consulted by the writer) is owned by Mr. Charles H. Kalbfleisch, of New York; others are mentioned in Mr. Whitehead's *East Jersey under the Proprietors* (2d ed.), p. 11, *note*, as belonging to the late John Ruthurfurd, of Newark, N. J., and the late Henry C. Murphy, of New York. The copy formerly pertaining to Varlo's counsellor, William Rawle, long since passed out of the possession of his family. Of the contents of the book mentioned in the text, the translation of the charter and the lease and release were reprinted in Hazard's *Historical Collections*, i. 160 *et seq.*; the address is given (with the error "Sir Edward" for "Sir Edmund Plowden") in a "parergon" to Penington's essay; and the conditions for letting or selling land appear in the *Pennsylvania Magazine of History*, vii. 54, as before intimated.

charter enrolled at Dublin, copies of the lease to Danby, and the release of Ryebread and others, before referred to, an address of the "Earl Palatine of Albion" to the public, and conditions for letting or selling land in New Albion. He likewise issued "a proclamation, in form of a handbill, addressed to the people of New Albion, in the name of the Earl of Albion,"[1] and published in the papers of the day (July, 1785) "A Caution to the Good People of the Province of New Albion, *alias* corruptly called, at present, The Jerseys," not to buy or contract with any person for any land in said province.[2] He formed the acquaintance of Edmund (called by him Edward) Plowden, representative of St. Mary's County in the Legislature of Maryland, a member of the family already mentioned, and endeavored to interest that gentleman in his schemes. Finding his land settled under the grant to the Duke of York, he also sought counsel of William Rawle, a distinguished lawyer of Philadelphia, and "took every step possible," he affirms, "to recover the estate by law in chancery, but in vain, because judge and jury were landowners therein, consequently parties concerned. Therefore, after much trouble and expense," he "returned to Europe."[3] Varlo's last act was to indite two letters to the Prince of Wales, reciting his grievances and appealing for redress, but conceived in such a tone as would seem to have precluded a response.[4] Thus ended this curious episode in the history of English colonization in America.[5]

Gregory B. Keen.

[1] "The Proclamation," says Mr. Murphy, "has not been republished. The only copy which we know of is the one for the use of which we are indebted to the kindness of the Hon. Peter Force, of Washington."

[2] Notice was also given that "True copies in Latin and English of the original charter registered in Dublin, authenticated under the hand and seal of the Lord Mayor of Dublin, 1784, may be seen, by applying to Captain Cope, at the State Arms Tavern, New York."

[3] An account of Varlo's "Tour through America" was given in his *Nature Displayed*, p. 116 *et seq.* (London, 1794), and was reprinted (with slight variations of phrase) in his *Floating Ideas of Nature*, ii. 53 *et seq.*, London, 1796. A copy of the former book is in the Mercantile Library of Philadelphia, and one of the latter is in the Library of the Historical Society of Pennsylvania.

[4] The letters appear in the *Floating Ideas of Nature*, ii. 9 *et seq.*

[5] The authorities cited in this paper contain, it is believed, all the facts in print concerning New Albion, although the subject is mentioned in all the general and in many of the local annals of New Jersey, as well as in several histories of Pennsylvania, Maryland, and New York.

CHAPTER XII.

THE FOUNDING OF PENNSYLVANIA.

BY FREDERICK D. STONE,

Librarian of the Historical Society of Pennsylvania.

THE founding of Pennsylvania was one of the immediate results of Penn's connection with West Jersey; but the causes which led to the settlement of both colonies can be clearly traced to the rise of the religious denomination of which he was a distinguished member. This occurred in one of the most exciting periods of English history. The Long Parliament was in session. Events were directly leading to the execution of the King. All vestiges of the Church of Rome had been well-nigh swept away in a country in which that Church had once held undisputed sway, and its successor was faring but little better with the armies of the Commonwealth. The conflict between Presbyterians and Churchmen, — in the efforts of the former to change the Established Church, and of the latter to maintain their position, — was scarcely more bitter in spirit than the temper with which the Independents denounced all connection between Church and State. Other dissenting congregations at the same time availed themselves of a season of unprecedented religious liberty to express their views, and religious discussions became the daily talk of the people.

It was under these circumstances that the ministry of George Fox began. Born in the year 1624, a native of Leicestershire, he was from his youth noted for "a gravity and stayedness of mind and spirit not usual in children." As he approached manhood, he became troubled about the condition of his soul, and passed through an experience similar to that which tried his contemporary, John Bunyan, when he imagined that he had sinned against the Holy Ghost. His friends had advised him to marry or to join the army; but his immediate recourse was rather to spiritual counsel. He naturally sought this from the clergymen of the Established Church, in which he had been bred; but they failed to satisfy his mind. The first whom he consulted repeated to his servants what George had said, until the young man was distressed to find that his

troubles were the subjects of jests with the milk-maids. Another told him to sing psalms and smoke a pipe. A third flew into a violent passion because, as the talk turned upon the birth of Christ, Fox inadvertently placed his foot upon the flower-bed. A fourth bled and physicked him. Such consolations, presented while he was earnestly seeking to comprehend the greatest question of life, disgusted him. He then turned for comfort to the Dissenters; but they, as he tells us, were unable to fathom his condition. From this time he avoided professors and teachers of all kinds. He read the Scriptures diligently, and strove, by the use of the faculties which God had given him, to understand their true meaning. He was not a man of learning, and was obliged to settle all questions as they arose by such reasonings as he could bring to bear upon them. The anguish which he experienced was terrible, and at times he was tempted to despair; but his strong mind held him to the truth, and his wonderfully clear perception of right and wrong led him step by step towards the goal of his desires. By degrees the ideas which had been taught him in childhood were put aside. It became evident to him that it was not necessary for a man to be bred at Oxford or Cambridge to become a minister of Christ; and he felt as never before the meaning of the words, "God dwelleth not in temples made with hands." To one of his understanding such convictions seemed as revelations from Heaven. That all men are capable of receiving the same Light to guide them, and that all who would follow this Light would be guided to the same end, became his belief; and to preach this faith

GEORGE FOX.[1]

[1] [This follows Holmes's engraving of the portrait of Fox, by Honthorst, in 1654, when Fox was in his thirtieth year. This Dutch painter, if Gerard Honthorst, was born in Utrecht in 1592, was at one time in England, and died in 1660; if his brother William, he died in 1683, aged 73. The original canvas was recently offered for sale in England. A view of Swarthmore Hall, where Fox lived, is in Gay's *Popular History of the United States*, ii. 173. — Ed.]

constituted his mission. He also felt that they who were guided by this Inner Light should be known by the simplicity of their speech and manners; that as the temples of the Lord were the hearts of his people, the ceremonies of the prevailing modes of worship were empty forms; that tithes for the support of a ministry, and taxes for the promotion of war and like measures, should not be paid by persons who could not approve of the purposes for which they were collected; and that the taking of an oath, even to add weight to testimony, was contrary to the teachings of the Scriptures.

These, in brief, were the views of the people called Quakers. That a movement so purely spiritual in its aims should have exercised a political influence seems remarkable. But the principles upon which the movement was founded claimed for the mind a perfect freedom; they counted as nought the privileges of rank, and demanded an entire separation of Church and State.

The first followers of George Fox were from the neighborhood of his own home; but his views soon spread among the yeomanry of the adjoining counties. His theology may have been crude, his grammar faulty, and his appearance ludicrous; yet there was a personal magnetism about the man which drew to him disciples from all classes.

Nothing could check the energy with which he labored, or silence the voice which is yet spoken of as that of a prophet. In his enthusiasm the people seemed to him like "fallow ground," and the priests but "lumps of clay," unable to furnish the seed for a harvest. Jeered at and beaten by cruel mobs, reviled as a fanatic and denounced as an impostor, he travelled from place to place, sometimes to be driven forth to sleep under haystacks, and at other times to be imprisoned as a disturber of the peace. But through all trials his faith remained unshaken, and he denounced what he believed to be the falsehoods of the times, until, as he says, the priests fled when they heard that "the man in leathern breeches is come."

In 1654, but ten years after George Fox had begun to preach, his followers were to be found in most parts of England, Ireland, and Scotland. Notwithstanding the persecutions with which an avowal of Quakerism was met, they adhered to their convictions with a steadfastness equal to that of their leader. Imprisonment, starvation, and the lash, as the penalties of their religion, had no fears for them. Their estates were wasted for tithes and taxes which they felt it wrong to pay. Their meetings were dispersed by armed men, and all laws that could be so construed were interpreted against them. All such persecution, however, was of no avail. "They were a people who could not be won with either gifts, honors, offices, or place." Nor is it surprising that their desire to share equally such sufferings in the cause of truth should have touched the heart of one educated in the severe school of the Commonwealth. When Fox lay in Lancaster jail, one of his people called upon Cromwell and asked to be imprisoned in

his stead. "Which of you," said Cromwell, turning to his Council, "would do so much for me if I were in the same condition?"

Satisfied in their hearts with the strength which their faith gave them, the Quakers could not rest until they had carried the glad tidings to others. In 1655, Fox tells us, "many went beyond the sea, where truth also sprung up, and in 1656 it broke forth in America and many other places."

It has ever been one of the cardinal principles of the followers of Fox to obey the laws under which they live, when doing so does not interfere with their consciences. When this last is the case, their convictions impel them to treat the oppressive measures as nullities, not even so far recognizing the existence of such statutes as to cover their violation of them with a shadow of secrecy. It was against what Fox considered ecclesiastical tyranny that the weight of his ministry was directed. Those who lived under church government he believed to be in as utter spiritual darkness as it is the custom of Christendom to regard the other three-fourths of mankind; and it was with a feeling akin to that which will to-day prompt a missionary to carry the Bible to the wildest tribes of Africa, that the Quakers of 1656 came to the Puritan commonwealths of America.

The record of the first landing of the Quakers in this country belongs to another chapter,[1] and the historians of New England must tell the sad story, which began in 1656, of the intrusive daring for conviction's sake which characterized the conduct of these humble preachers. In June, 1657, six of a party of eight Quakers who had been sent back to England the year previous, re-embarked for America. They were accompanied by five others, and on October 1 five of them landed at New Amsterdam. The rest remained on the vessel, and on the 3d instant arrived at Rhode Island. It was chiefly through the labors of this little band that the doctrines of the Quakers were spread through the British colonies of North America.

It was in 1661 that the first Yearly Meeting of Friends in America was established in Rhode Island, and in 1672 the government of the colony was in their hands. The Dutch of New Amsterdam did not hold as broad views of religious liberty as were entertained by their kinsfolk in Holland; but while the Quakers were severely dealt with in that city, on Long Island they were allowed to live in comparative peace. In Maryland the treatment of the Friends, severe at times, grew more and more tolerant, and when Fox visited them in 1672 he found many to welcome him; and probably the first letter from a Meeting in England to one in America was directed to that of Maryland. In Virginia the Episcopalians were less liberal than their neighbors in other provinces. The intolerance with which Dissenters were met drove many beyond her borders, and thus it was that some Friends gathered in the Carolinas.

The outbreak of the Fifth Monarchy men in 1660, immediately after the restoration of Charles II., dispelled any hopes which the Quakers might have gathered from that monarch's proclamation at Breda, since they

[1] See chapter ix.

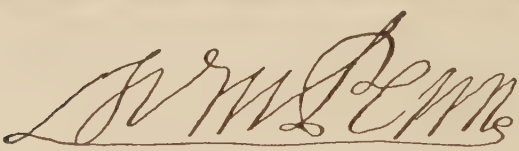
were suspected of being connected with that party. It is at this time that we find the first evidence that Fox and his followers wished to obtain a spot in America which they could call their own; and the desire was obviously the result of the troubles which they encountered, both in England and America. Before this was accomplished, however, the Quakers experienced many trials. In 1661 Parliament passed an Act for their punishment, denouncing them as a mischievous and dangerous people.

In 1672 Charles II. issued his second declaration regarding liberty of conscience, and comparative quiet was for a few years enjoyed by his Dissenting subjects. In 1673 Parliament censured the declaration of the King as an undue use of the prerogative. The sufferings of the Quakers were then renewed. It is unnecessary to repeat in detail the penalties inflicted under the various Acts of Parliament. Fox was repeatedly imprisoned, and many of his followers died in confinement from ill usage. In 1675 West Jersey was offered for sale. The advantages its possession would afford were at once appreciated by the men of broad views who had obtained control of the Quaker affairs. Fox favored the scheme. Some of his followers felt that to emigrate was to fly from persecution and to desert a cause; but Fox, with more wisdom, had as early as 1660 proposed the purchase of a tract of land in America. Between 1656 and 1675 he and his devoted followers were from time to time braving all kinds of danger in the propagation of their faith throughout the English colonies in America. Their wanderings often brought them into contact with the Indians, and this almost always led to the friendliest of relations.[1]

William Penn possessed more influence with the ruling class of England than did any other of the followers of Fox. His joining the Friends in 1668 is a memorable event in the history of their Society. The son of Admiral Sir William Penn, the conqueror of Jamaica, and of his wife Margaret, daughter of John Jasper, of Amsterdam, he was born in London Oct. 14, 1644, the year in which Fox began to preach to his neighbors in Leicestershire. The Admiral was active in bringing about the restoration of the Stuarts, and this, together with his naval services, gave him an influence at Court which would have enabled him to advance the interests of his son. But while a student at Oxford, the young Penn chanced to hear the preaching of Thomas Loe, a Quaker, and so impressed was he by it that he

[1] As early as 1658 Josiah Coale and Thomas Thurston visited the Susquehanna Indians. They were received with great kindness, and spent some weeks with the red men, travelling over two hundred miles in their company. Coale also visited the tribes of Martha's Vineyard and others of Massachusetts. He returned to them after being liberated from prison at Sandwich, and was told by a chief: "The Englishmen do not love Quakers, but the Quakers are honest men and do no harm; and this is no Englishman's sea or land, and the Quakers shall come here and welcome." Of this early teacher Penn wrote: "Therefore shall his memorial remain as a sweet oyntment with the Righteous, and time shall never blot him out of their remembrance." Fox had several meetings with the Indians, and at one he says, "They sat very grave and sober, and were all very attentive, beyond many called Christians." After Fox's return to England, his interest in the Indians continued, and in 1681 he wrote to the Burlington Meeting to invite the Indians to worship with them. It was thus that the way was prepared for the peaceful settlement of West Jersey and Pennsylvania.

ceased to attend the religious services of his College. For this he was expelled from the University. His father, after a brief impulse of anger which this disgrace caused, sent him to Paris, and in that gay capital the impressions made by the Quaker preacher were nearly effaced. From Paris he went to Saumur and became a pupil of Moses Amyrault, a learned professor of the French Reformed Church. At the conclusion of his studies he travelled in France and Italy, and in 1664 returned to England, — a fashionable gentleman, with an "affected manner of speech and gait." The dreadful scenes which occurred the next year in London during the Plague again turned his thoughts from worldly affairs. To overcome this seriousness his father sent him to Ireland. While there, an insurrection broke out among the soldiers at Carrickfergus Castle, and he served as a volunteer under Lord Arran in its suppression. The Viceroy of Ireland was willing to reward this service by giving him a military command, but Admiral Penn refused his consent. It was at this time that



[1] [There are papers on the portraits of Penn in *Scribner's Monthly*, xii. 1, by F. M. Etting, and in the *Mag. of Amer. Hist.*, October, 1882. Cf. also *Penn. Mag. of Hist.* vol. vi. pp. 174, 252. The above cut represents him at twenty-two. It follows a large private steel plate, engraved by S. A. Schoff, of Boston, with the aid of a crayon reduction by William Hunt, and represents an original likeness painted in oils in 1666 by an unknown artist, possibly Sir Peter Lely. It was one of two preserved at Stoke Poges for a long time, and this one was given in 1833 by Penn's grandson, Granville Penn, to the Historical Society of Pennsylvania. (*Catalogue of Paintings, etc., belonging to the Historical Society*, 1872, no. 50.) There are other engravings of it in the *Pennsylvania Magazine of History*, i. 361; in Janney's *Life of Penn;* in Stoughton's *William Penn;* and in Watson's *Annals of Philadelphia*. A portrait by Francis Place, representing Penn at fifty-two, is

the accompanying portrait was painted. While in Ireland, Penn again came under the influence of the preaching of Loe, and in his heart became a Quaker. He was shortly afterwards arrested with others at a Quaker meeting. His conduct alienated his father from him, but a reconciliation followed when the Admiral learned how sincere the young Quaker was in his views.

Penn wrote industriously in the cause, and endeavored by personal solicitation at Court to obtain for the Quakers more liberal treatment. Imprisoned in the Tower for heresy, he passed his time in writing *No Cross, No Crown*. Released through his father's influence with the Duke of York, he was soon again arrested under the Conventicle Act for having spoken at a Quaker meeting, and his trial for this offence is a celebrated one in the annals of English law.

In September, 1670, his father died, leaving him an ample fortune, besides large claims on the Government. But the temptations of wealth had no influence on Penn. He continued to defend the faith he had embraced, and in the latter part of the year was again in Newgate. There he wrote *The Great Case of Liberty of Conscience debated*. Had his services to humanity been no greater than those rendered by the pen, they would have secured for him a lasting remembrance; but the experience he gained in defending the principles of the Friends was fitting him for higher responsibilities. His mind, which was naturally bright, had been improved by study. In such rough schools of statesmanship as the Old Bailey, Newgate, and the Tower, he imbibed broad and liberal views of what was necessary for the welfare of mankind, which in the end prompted him to attempt

engraved from the National Museum copy of the original in Gay's *Popular History of the United States*, ii. 487. It was discovered in England in 1874, and its story is told in Mr. Etting's paper. There is another engraving of it in Egle's *Pennsylvania*. Maria Webb's *Penns and Peningtons* (1867) gives an account of a recently discovered crayon likeness. (Cf. *Catalogue of Paintings, etc., belonging to the Historical Society*, 1872, p. 27.) A steel engraving was issued in Germany some years since, purporting to be from a portrait by Kneller, — which is quite possible, — and this engraving is reproduced a little larger than the German one in the *Mag. of Amer. Hist.*, October, 1882. The likeness best known is probably the one introduced by West in his well-known picture of the making of the Treaty. In this, West, who never saw Penn, seemingly followed one of the medallions or busts made by Sylvanus Bevan, a contemporary of Penn, who had a natural skill in cutting likenesses in ivory. One of these medallions is given in Smith and Watson's *American Historical and Literary Curiosities*, i. pl. xv., and in the *Mag. of Amer. Hist.*, October, 1882. Bevan's bust was also the original of the head of the statue, with a broad-brim hat, which has stood in the grounds of the Pennsylvania Hospital since John Penn, son of the Proprietary, bought it from the estate of Lord Le Despenser at High Wycombe, and gave it to the hospital. The same head was again used as the model of the wooden bust which was in the Loganian Library, but was destroyed by fire in 1831. Proud's *History of Pennsylvania* (1797) gives an engraving of it; and the likeness in Clarkson's *Life of Penn* is also credited to one of Bevan's busts. Inman's picture, which appears in Janney's *Penn* and in Armor's *Governors of Pennsylvania*, is to be traced to the same source, as also is the engraving in the *Encyclopædia Londiniensis*.

Penn is buried in the graveyard at Jordan's, twenty miles or so from London; and the story of an unsuccessful effort by the State of Pennsylvania to secure his remains, encased in a leaden casket, is told in *The Remains of William Penn*, by George L. Harrison, privately printed, Philadelphia, 1882, where is a view of the grave and an account of the neighborhood. There is a picture of the grave in the Pennsylvania Historical Society. Cf. *Catalogue of Paintings, etc., belonging to the Historical Society* (1872), no. 151; and Mrs. S. C. Hall's article in *National Magazine*, viii. 109; and *Mag. of Amer. Hist.*, October, 1882, p. 661. — ED.]

a practical interpretation of the philosophy of More and Harrington. His interest in West Jersey [1] led him to make extensive investments in the enterprise; but notwithstanding the zeal and energy with which it was pushed, the result was far from satisfactory. The disputes between Fenwick and the creditors of Byllynge, and the transfer by the former of a large portion of his interest to Eldridge and Warner in security for a debt, left a cloud upon the title of land purchased there, and naturally deterred people from emigrating. False reports detrimental to the colony were also circulated in England, while the claim of Byllynge, that his parting with an interest in the soil did not affect his right to govern, and the continued assumption of authority by Andros over East Jersey and the ports on the Delaware, added to the feeling of dissatisfaction. This is clearly shown in a pamphlet published in 1681, the preface of which says it was put forth "to contradict the Disingenuous and False Reports of some men who have made it their business to speak unjustly of New Jersey and our Proceedings therein: As though the Methods of Settlement were confused and Uncertain, no man Knowing his own Land, and several such idle Lying Stories." [2]

It was in this condition of affairs that Penn conceived the idea of obtaining a grant of land in America in settlement of a debt of £16,000 due the estate of his father from the Crown. We have no evidence showing when this thought first took form in his mind, but his words and actions prove that it was not prompted in order to better his worldly condition. Certain it is that the eyes of the Friends had long been turned to what is now Pennsylvania as a spot upon which they might find a refuge from persecution. In 1660, when George Fox first thought of a Quaker settlement in America, he wrote on this subject to Josiah Coale, who was then with the Susquehanna Indians north of Maryland. The reply from Maryland is dated "eleventh month, 1660," and reads, —

"Dear George, — As concerning Friends buying a piece of Land of the Susquehanna Indians, I have spoken of it to them, and told them what thou said concerning it; but their answer was that there is no land that is habitable or fit for situation beyond Baltimore's liberty till they come to or near the Susquehanna's fort."

In 1681 Penn, in writing about his province, said: "This I can say, that I had an opening of joy as to these parts in the year 1661 at Oxford twenty years since." The interest which centred in West Jersey caused the scheme to slumber, until revived by Penn in 1680.

The petition to the King was presented about the 1st of June, 1680. It asked for a tract of land "lying North of Maryland, on the East bounded with Delaware River, on the West limited as Maryland is, and Northward to extend as far as plantable, which is altogether Indian." This, "his Majty being graciously disposed to gratify," was referred to the Lords of Trade

[1] [See Mr. Whitehead's chapter in the present volume. — Ed.]

[2] *An Abstract or Abbreviation of some Few of the Many* (*Latter and Former*) *Testimonys from the Inhabitants of New Jersey*, etc. London, 1681.

and Plantations, and if it should meet with their approval, they were to consider "such restrictions, limitations, and other Clauses as were fitting to be inserted in the Grant."

The proceedings which followed prevented the issue of the charter for some time. "A caution was used," says Chalmers, "in proportion to the inattention with which former patents had been given, almost to every petitioner. Twenty years had now taught circumspection, and the recent refractoriness of Massachusetts had impressed the ministers with a proper sense of danger, at least of inconvenience." The agents of the Duke of York and of Lord Baltimore were consulted about the proposed boundaries, and the opinions of Chief-Justice North and the Attorney-General were taken on the same subjects, as well as on the powers that were to be conferred. The charter as granted gave to Penn and his successors all the territory between the fortieth and forty-second degrees of latitude, extending through five degrees of longitude west from the Delaware River, with the exception of that part which would fall within a circle drawn twelve miles around New Castle, the northern segment of which was to form the boundary between Penn's province and the Duke of York's colonies of Delaware. It was supposed that such a circle would be intersected on the west by the fortieth degree of latitude, the proposed boundary between Pennsylvania and Maryland. This erroneous opinion was the cause of a prolonged litigation. The allegiance of the Proprietary and of the inhabitants was reserved to the Crown. The right to govern was vested in Penn. He could appoint officers, and with the consent of the people make such laws as were necessary; but to insure their unison with those of England they were to be submitted to the Crown within five years for approval. He could raise troops for the defence of his province, and collect taxes and duties; but the latter were to be in addition to those ordered by Parliament. He could pardon all crimes except treason and wilful murder, and grant reprieves in such cases until the pleasure of the King should be known. The Bishop of London had the power to appoint a chaplain on the petition of twenty of the inhabitants, and an agent was to reside near the Court to explain any misdemeanor that might be committed.

The charter was signed March 4, 1681, and on the next day Penn wrote to Robert Turner, —

"After many waitings, watchings, solicitings, and disputes in Council, this day my country was confirmed to me under the Great Seal of England, with large powers and privileges, by the name of Pennsilvania, a name the King would have given in honor of my father. I chose New Wales, being as this a pretty hilly country, . . . for I feared lest it should be looked as a vanity in me and not as a respect in the King, as it truly was, to my father, whom he often mentions with praise. Thou mayst communicate my graunt to friends, and expect shortly my proposals; 't is a clear and just thing; and my God, that has given it me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it will be well laid at first."

On the 2d of April a royal proclamation, addressed to those who were already settled within the province, informed them of the granting of the patent, and its character. Six days afterwards Penn prepared a letter to be read to the settlers by his representative, couched in language of friendship and affection. He told them frankly that government was a business he had never undertaken, but that it was his wish to do it uprightly. You are "at the mercy of no governor," he said, "who comes to make his fortune great; you shall be governed by laws of your own making, and live a free and, if you will, a sober and industrious people." On the same day he gave to his kinsman, William Markham, whom he had selected to be his deputy-governor, and who was to precede him to Pennsylvania, instructions regarding the first business to be transacted. Two days afterwards he furnished him with his commission and more explicit directions, and Markham shortly afterwards sailed for America, and probably landed in Boston, where his commission is recorded. By the 15th of June he had reached New York, and Brockholls on the 21st issued an order addressed to the civil officers within the limits of Pennsylvania, yielding to Markham his authority as the representative of the Duke of York. Markham carried letters from the King and from Penn to Lord Baltimore. The former recommended "the infant colony and its leader to his friendly aid." He also required the patentee of Maryland "to make a true division of the two provinces according to the boundaries and degrees expressed in their patents." The letter of Penn authorized Markham to settle the boundaries. Markham met Lord Baltimore in August, 1681, and while at his house was taken so ill that nothing was decided upon.

Soon after the confirmation of his charter, Penn issued a pamphlet, in which the essential parts of that instrument were given, together with an account of the country and the views he entertained for its government. The conditions on which he proposed to dispose of land were, a share of five thousand acres free from any Indian incumbrance for £100, and one shilling English quit-rent for one hundred acres, the quit-rent not to begin until after 1684. Those who hired were to pay one penny per acre for lots not exceeding two hundred acres. Fifty acres per head were allowed to the masters of servants, and the same quantity was given to every servant when his time should expire. A plan for building cities was also suggested, in which all should receive lots in proportion to their investments.

The unselfishness and purity of Penn's motives, and the religious feelings with which he was inspired, are evident from his letters. On the 12th of April, 1681, he wrote to three of his friends, —

"Having published a paper with relation to my province in America (at least what I thought advisable to publish), I here inclose one that you may know and inform others of it. I have been these thirteen years the servant of truth and Friends, and for my testimony sake lost much, not only the greatness and preferments of this world, but £16,000 of my estate, that had I not been what I am I had long ago obtained. But I murmur not; the Lord is good to me, and the interest his truth has given me

with his people may more than repair it; for many are drawn forth to be concerned with me: and perhaps this way of satisfaction has more the hand of God in it than a downright payment. . . . For the matter of liberty and privilege, I propose that which is extraordinary, and to leave myself and successors no power of doing mischief, — that the will of one man may not hinder the good of an whole country. But to publish those things now and here, as matters stand, would not be wise, and I was advised to reserve that until I came there."

To another he wrote, —

"And because I have been somewhat exercised at times about the nature and end of government among men, it is reasonable to expect that I should endeavor to establish a just and righteous one in this province, that others may take example by it, — truly this my heart desires. For the nations want a precedent. . . . I do, therefore, desire the Lord's wisdom to guide me, and those that may be concerned with me, that we may do the thing that is truly wise and just."

And again, —

"For my country, I eyed the Lord in obtaining it, and more was I drawn inward to look to him, and to owe it to his hand and power than to any other way. I have so obtained it, and desire to keep it that I may not be unworthy of his love, but do that which may answer his kind Providence and serve his truth and people, that an example may be set up to the nations. There may be room there, though not here, for such an holy experiment."

The scheme grew apace, and, as Penn says, "many were drawn forth to be concerned with him." His prominence as a Quaker attracted the attention of Quakers in all quarters. He had travelled in their service in Wales, and from thence some of the first settlers came. Two visits to Holland and Germany had made him known to the Mennonites and like religious bodies there. His pamphlet was reprinted at Amsterdam, and the seed sown soon brought forth abundantly. By July 11, 1681, matters had so far progressed that it was necessary to form a definite agreement between Penn and the purchasers, and a paper known as "Certain Conditions or Concessions" was executed.

By this time also (July, 1681) troubles with Lord Baltimore were anticipated in England, and some of the adventurers were deterred from purchasing. Penn at once began negotiations for the acquirement of the Duke of York's interests on the Delaware. Meanwhile, in the face of all these rumors, Penn refused to part with any of his rights, except on the terms and in the spirit which he had announced. Six thousand pounds were offered for a monopoly of the Indian trade, but he declined it; "I would not," are his words, "so defile what came to me clean."

William Crispin, John Bezar, and Nathaniel Allen were commissioned by Penn (Sept. 30, 1681) to assist Markham. They were to select a site for a town, and superintend its laying out. William Haige was subsequently added to the number. By them he sent to the Indians a letter

of an affectionate character, and another to be read to the Swedes by their ministers.

The first commissioners probably sailed on the "John Sarah," which cleared for Pennsylvania in October. She is supposed to have been the first vessel to arrive there after Penn received his grant.

On August 24, 1682, Penn acquired from the Duke of York the town of New Castle and the country twelve miles around it, and the same day the Duke conveyed to him the territory lying south of New Castle, reserving for himself one half the rents. The first of these gifts professed to have been made on account of the Duke's respect for the memory of Sir William Penn. A deed was also obtained from the Duke (August 20) for any right he might have to Pennsylvania as a part of New Netherland.

Having completed his business in England, Penn prepared to sail for America. On the 4th of August, from his home at Worminghurst, he addressed to his wife and children a letter of singular beauty, manliness, and affection. It is evident from it that he appreciated the dangers before him, as well as the responsibilities which he had assumed. To his wife, who was the daughter of Sir William Springett, he wrote: "Remember thy mother's example when thy father's public-spiritedness had worsted his estate, which is my case." To his children, fearing he would see them no more, he said: "And as for you who are likely to be concerned in the government of Pennsylvania and my parts of East Jersey, especially the first, I do charge you before the Lord God and His holy angels, that you be lowly, diligent, and tender, fearing God, loving the people, and hating covetousness." To both, in closing, he wrote: "So farewell to my thrice-dearly beloved wife and children. Yours as God pleaseth, in that which no waters can quench, no time forget, nor distance wear away."

On the 30th of August he wrote to all faithful friends in England, and the next day there "sailed out of the Downs three ships bound for Pennsylvania, on board of which was Mr. Pen, with a great many Quakers who go to settle there." Such was the announcement in the *London Gazette* of September 4, of the departure of those who were to found one of the most prosperous of the British colonies in America.

With the exception of a narrow strip of land along the Delaware, on which were scattered a few Swedish hamlets, the tract covered by the royal grant to Penn was a wilderness. It contained, exclusive of Indians, about five hundred souls. The settlements extended from the southern limits of the province for a few miles above the mouth of the Schuylkill, and then there was nothing until Crewcorne was reached, opposite the Falls of Delaware. None of these settlements rose to the dignity of a village, unless it was Upland, at which place the Court was held. The territory acquired from the Duke of York contained about the same number of persons as did Pennsylvania. Many, however, who lived in either section were Swedes or Finns. A few Dutch had settled among them, and some Quaker families had crossed from New Jersey and taken up land.

Penn found the Swedes "a strong, industrious people," who knew little beside the rudiments of agriculture, and cared not to cultivate beyond their needs.[1] The fertile country in which they dwelt yielded adequate supply with moderate labor, and to the English settlers it appeared to be a paradise. The reports which Penn's people sent home encouraged others to come, and although their accounts were highly colored, none of the new-comers seem to have been disappointed. The first descriptions we have of the country after it became Pennsylvania are in the letters of Markham. To his wife he wrote, Dec. 7, 1681, —

"It is a very fine Country, if it were not so overgrown with Woods, and very Healthy. Here people live to be above one hundred years of Age. Provisions of all sorts are indifferent plentiful, *Venison* especially; I have seen four *Bucks* bought for less than 5*s*. The Indians kill them only for their Skins, and if the Christians will not buy the Flesh they let it hang and rot on a Tree. In the Winter there is mighty plenty of Wild Fowl of all sorts. Partridges I am cloyed with; we catch them by hundreds at a time. In the fall of the leaf, or after Harvest, here are abundance of wild Turkeys, which are mighty easie to be Shot; Duck, Mallard, Geese, and Swans in abundance, wild; Fish are in great plenty. In short, if a Country Life be liked by any, it might be here."

Markham, after his arrival, had taken such steps as were necessary to establish the authority of Penn. On the 3d of August nine of the residents, selected by him, took the oath to act as his council. A court was held at Upland September 13, the last court held there under the authority of the Duke of York having adjourned until that time. By Penn's instructions, all was to be done "according to the good laws of England. But the new court during the first year of its existence failed to comply with these laws in a very essential particular, — persons were put upon trial without the intervention of a grand jury. No provision was made under the Duke's laws for the safeguard of the citizen, and the new justices acted for a time in accordance with former usage. A petit jury, so rare under the former court, now participated in every trial where facts were in dispute. In criminal cases the old practice was adhered to, of making the prosecutor plaintiff."[2]

During 1681 at least two vessels arrived with settlers. Of the commissioners who were sent out in October to assist Markham, Crispin died at Barbadoes. April 23, 1682, Thomas Holme, bearing a commission of surveyor-general, sailed from England, and arrived about June. Already the site for Philadelphia had been selected, as James Claypoole, who was in England, wrote, July 14, that he "had one hundred acres where our capital city is to be, upon the river near Schuylkill." July 15, 1682, Markham purchased from the Indians a tract of land on the Delaware below the Falls.

[1] [The history of the Swedish period is told in Vol. IV. — Ed.]

[2] *History of Chester County, Pa.*, by Judge J. Smith Futhey and Gilbert Cope, p. 18.

The first Welsh emigrants arrived on the 13th of August, 1682. They were Quakers from Merionethshire who had felt the hand of persecution. They had bought from Penn in England five thousand acres of unsurveyed land, and had been promised by him the reservation of a large tract exclusively for Welsh settlers, to the end that they might preserve the customs of their native land, decide all debates "in a Gospel order," and not entangle themselves "with laws in an unknown tongue." At Philadelphia they found a crowd of people endeavoring to have their farms surveyed, for although the site of the city was chosen, the town lots were not laid out. In a few days the Welshmen had the first part surveyed of what became known as the Welsh Barony. It lay on the west side of the Schuylkill, north of Philadelphia. The warrant for surveying the entire tract, which contained forty thousand acres, was not issued until 1684. Special privileges appear to have been accorded to these settlers. Township officers were not chosen for their districts until 1690, and their Friends' Meetings exercised authority in civil affairs. From these facts it is possible that the intention was to protect the Welsh in the rights of local self-government by erecting the tract into a manor. By a clause in the royal charter, Penn could erect "manors, to have and to hold a court baron, with all things whatsoever to a court baron do belong." To a company known as the "Free Society of Traders" he had (March 20, 1682) granted these extraordinary privileges, empowering them to hold courts of sessions and jail deliveries, to constitute a court-leet, and to appoint certain civil officers for their territory. This was known as the Manor of Frank. To Nicholas More, the president of the Company, the Manor of Moreland was granted, with like privileges; but neither More nor the Company seem to have exercised their rights as rulers. Whatever special rights the Welshmen had, were reserved until 1690, when regular township officers were appointed. Goshen, Uwchlan, Tredyffren, Whiteland, Newtown, Haverford, Radnor, and Merion, — the names these ancient Britons gave to their townships — show what parts of the present counties of Delaware, Chester, and Montgomery the Welsh tract covered. Some of these people settled in Philadelphia and Bucks County. They were chiefly Quakers, although Baptists were found among them.

The ship which bore Penn to America was the "Welcome." The smallpox made its appearance among the passengers when they had been out a short time, and nearly one-third of them died. Two vessels which left England after Penn had sailed, arrived before him; but at last, after a trying voyage of nearly two months, the "Welcome" came within the Capes of Delaware. Penn dated his arrival from the 24th of October, 1682, but it was not until the 27th that the vessel lay opposite New Castle. The next day he exhibited his deeds from the Duke of York, and took formal possession of the town and surrounding country. He received a pledge of submission from the inhabitants, issued commissions to six justices of the peace, and empowered Markham to receive in his name possession of the country below, which was done on November 7. The 29th of October (O. S.)

found him within the bounds of Pennsylvania, at the Swedish village of Upland, the name of which, tradition says, he then changed to Chester. From this point notices were sent out for the holding of a court at New Castle on the 2d of November. At this meeting the inhabitants of the counties of Delaware were told that their rights and privileges should be the same as those of the citizens of Pennsylvania, and that an assembly would be held as soon as convenient.

The attention which Penn gave to the constitution of his province was a duty which had for him a particular interest. His thoughts had necessarily dwelt much on the subject, and his experience had made him acquainted with the principles of law and the abuses of government. The drafts of this paper which have been preserved show how deeply it was considered. Henry Sidney, Sir William Jones, and Counsellor Bamfield were consulted,

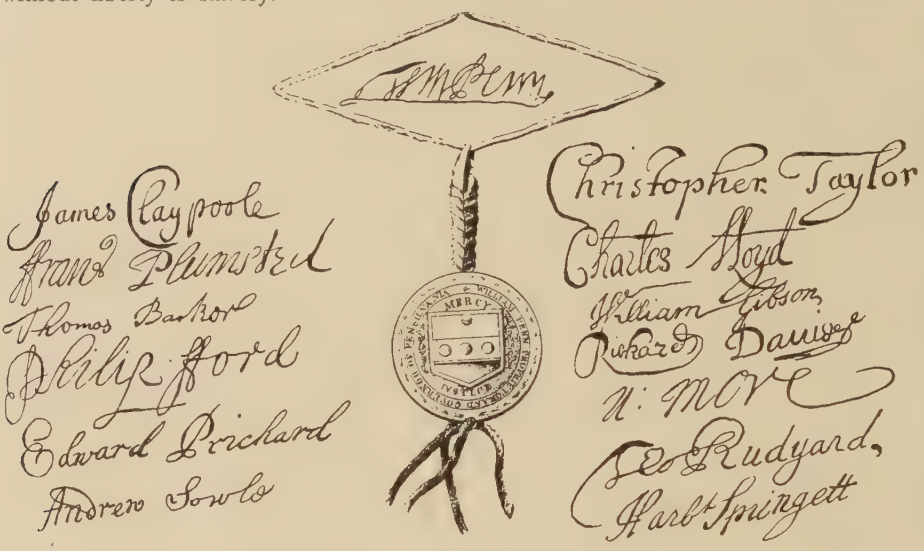
LETITIA COTTAGE.[1]

and portions of it were framed in accordance with the wishes of the Quakers. In the Introduction to this remarkable paper, the ingenuousness of its author is clearly discernible. Recognizing the necessity of government, and tracing it to a divine origin, Penn continues, —

"For particular frames and models, it will become me to say little, and comparatively I will say nothing. My reasons are, first, that the age is too nice and difficult for it, there being nothing the wits of men are more busy and divided upon. . . . Men side with their passions against their reason, and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

[1] A city residence for Penn was begun by his commissioners before he arrived. Parts of it were prepared in England. A portion of it still stands on the west side of Letitia Street, south of Market. The above cut is a fac-simile of the view given in Watson's *Annals of Philadelphia* (1845), p. 158. Cf. Gay's *Popular History of the United States*, ii. 492.

"I do not find a model in the world that time, place, and some singular emergencies have not necessarily altered, nor is it easy to frame a civil government that shall serve all places alike. I know what is said by the several admirers of monarchy, aristocracy, and democracy, which are the rule of one, a few, and many, and are the three common ideas of government when men discourse on that subject. But I choose to solve the controversy with this small distinction, and it belongs to all three, — any government is free to the people under it (whatever be the frame) where the laws rule and the people are a party to those laws; and more than this is tyranny, oligarchy, or confusion. . . . Liberty without obedience is confusion, and obedience without liberty is slavery."



SEAL AND SIGNATURES TO THE FRAME OF GOVERNMENT.[1]

The good men of a nation, he argues, should make and keep its government, and laws should bind those who make laws necessary. As wisdom and virtue are qualities that descend not with worldly inheritances, care should be taken for the virtuous education of youth.

The Frame of Government which followed these remarks was signed by Penn on the 25th of April, 1682. By this Act the government was vested in the governor and freemen, in the form of a provincial council and an assembly. The provincial council was to consist of seventy-two members. The first election of councilmen was to be held on the 20th of February, 1682–83, and they were to meet on the 10th of the following month. One-third of the number were to retire each year when their successors were chosen. An elaborate scheme was devised for forming the council into committees to attend to various duties.

The assembly for the first year was to consist of all the freemen of the

[1] [This is reduced from the fac-simile in Smith and Watson's *American Historical and Literary Curiosities*, pl. lvii.; and another reduction will be found in *Mag. of Amer. Hist.*, October, 1882; cf. Lossing's *Fieldbook of the Revolution*, ii. 256. — ED.]

province, and after that two hundred were to be annually chosen. They were to meet on April 20; the governor was to preside over the council. Laws were to originate with the latter, and the chief duty of the assembly was to approve such legislation. The governor and council were to see the laws executed, inspect the treasury, determine the situation of cities and ports, and provide for public schools.

On May 5 forty laws were agreed upon by the purchasers in England as freemen of the province. By these all Christians, with the exception of bound servants and convicts, who should take up land or pay taxes were declared freemen. The merits of this proposed form, which was to be submitted for approval to the first legislative body assembling in Pennsylvania, have been widely debated. Professor Ebeling says it "was at first too highly praised, and afterwards too lightly depreciated." It was without doubt too elaborate in some of its details, and the number proposed for the council and assembly were out of all proportion to the wants of a new country.

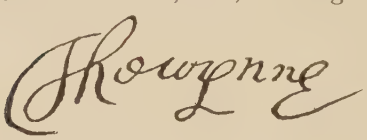
Shortly after his arrival, Penn found circumstances to require that the laws should be put in force with as little delay as possible. He therefore decided to call an assembly before the time provided, and extended to the inhabitants of the Delaware counties the right to participate in it. Writs were issued to the sheriffs of those parts to hold elections on the 20th of November for the choice of delegates to meet at Chester on the 4th of December, and the inhabitants of Pennsylvania were notified to attend.

The Assembly met at the appointed time. Upon petition from the lower counties, an Act uniting them with Pennsylvania was passed, and at the request of the Swedes a bill of naturalization became a law. Penn submitted to the House the Frame of Government and the code of laws agreed upon in England, together with a new series which he had prepared. In doing this he acted without the advice of a provincial council. The laws agreed upon in England, "more fully worded," were passed, together with such others as were thought to be necessary, and the Assembly adjourned for twenty-one days. The members, however, do not appear to have met again.

In January Penn issued writs for an election, to be held on the 20th of February, of seventy-two members of the provincial council, and gave notice that an assembly would be held as provided in the Frame of Government. This was not strictly in accord with that document, as it provided that the seventy-two councilmen should be chosen from the province of Pennsylvania, and Penn made the passage apply equally to the Delaware counties, over which he had had no jurisdiction at the time the Frame was signed.

Before the election took place, it was discovered that the number proposed for the council was much larger than could be selected, and that a general gathering of the inhabitants would not furnish such an assembly as the organization of the government demanded. On the suggestion of

Penn twelve persons, therefore, were elected from each of the six counties; and through their respective sheriffs the freemen petitioned the Governor that as the number of the people was yet small, and but few were acquainted with public business, those chosen should be accepted to represent them in both council and assembly, — three in the former, and nine in the latter. The Council met at the appointed time, the petitions of the freemen were duly presented by the sheriffs, and the prayers granted by the Governor. It was then moved by one of the members that, as the charter granted by the Governor had again fallen into his hands by the negligence of the freemen to fulfil their part, he should be asked that the alterations which had been made should not affect their chartered rights. The Governor answered that "they might amend, alter, or add for the Public good, and he was ready to settle such foundations as might be for their happiness and the good of their Posterities." Those selected for the Assembly then withdrew, and, although the time for them to meet had not arrived (March 12), chose Thomas Wynne their Speaker, and proceeded to business. During the session an "Act of Settlement," reciting the circumstances which made these changes necessary, and reducing the number of members of the Provincial Council and Assembly, was passed by the House, having been proposed by the Governor and Council. By the Frame of Government first agreed upon, Penn had surrendered his right to have an overruling voice in the government, reserving for himself or representative a triple vote in the Council. Fearing that his charter might be invalidated by some action of the majority of the Council and Assembly, he now asked that the veto power should be restored to him, which was accordingly done. The right to appoint officers, which by the first Frame had been vested in the Governor and Council, was given to Penn for life. Other laws necessary for good government were enacted, and to the whole the Frame of Government was appended, with modifications and such alterations as made it applicable to the Delaware counties. On April 2, in the presence of the Council, Assembly, and some of the citizens of Philadelphia, Penn signed and sealed this new charter, solemnly assuring them that it was "solely by him intended for the good and benefit of the freemen of the province, and prosecuted with much earnestness in his spirit towards God at the time of its composure." It was received by the Speaker of the Assembly on behalf of the freemen; and in their name that officer thanked the Governor for his great kindness in granting them a charter "of more than was expected liberty."



All that had been irregularly done was thus in a manner legalized; but the matter was not allowed to pass unquestioned. Nicholas More was reprimanded by the Council for having spoken imprudently regarding the course which had been taken, and for saying that hundreds in England and their children after them would curse them for what they had done.

Under the constitution and laws thus formed, the government was

administered until 1696. The chief features of local government which had existed under the Duke of York were lost sight of in the new order of affairs, the authority being vested in the provincial or county officers in place of those of the township. True to the doctrines which they had preached, and to the demands which they had made of others, the Quakers accorded to all a perfect liberty of conscience, intending, however, "that looseness, irreligion, and Atheism" should not creep in under pretence of conscience. The observance of the Sabbath was provided for. On that day people were to "abstain from their usual and common toil and labor, . . . that they may better dispose themselves to read the Scriptures of truth at home, or frequent such meetings of religious worship abroad as may best suit their respective persuasions." Profanity, drunkenness, health-drinking, duelling, stage-plays, masques, revels, bull-baiting, cock-fighting, cards, dice, and lotteries were all prohibited. Clamorous scolding and railing were finable offences. The property of thieves was liable for fourfold the value of what they had taken; and if they should have no estates, they were to labor in prison until the person they had injured was satisfied. A humane treatment of prisoners was insured. The poor were under the protection of the county courts. Peacemakers were chosen in the several counties to decide differences of a minor character. Malt liquors were not to be sold at above two pennies sterling for a full Winchester quart. The court records were to be kept in plain English characters, and laws were to be taught in the schools.

"All judicial power, after Penn's arrival, was vested in certain courts, the judges of which were appointed by the Proprietary, presiding in the Provincial Council.[1]

"The practice in these courts was simple but regular. In criminal cases an indictment was regularly drawn up, and a trial by jury followed. In civil cases the complications of common-law pleading were disregarded. The filing of a simple statement and answer put each cause at issue, and upon the trial the rules of evidence were not observed. Juries were not always empanelled, the parties being frequently content to leave the decision of their causes to the Court. In equity proceedings the practice

[1] The courts were of three different kinds: namely, the County Courts, Orphans' Courts, and Provincial Court. The County Courts sat at irregular intervals during the year, and were composed of justices of the peace, commissioned from time to time, the number of whom varied with the locality, the press of business, or the caprice of the government. They had jurisdiction to try criminal offences of inferior grades, and all civil causes except where the title to land was in controversy. In proper cases they exercised a distinct equity jurisdiction, which seems, however, to have been excessively irritating to the people. In many instances they were materially assisted in their labors by boards of peacemakers, who were annually appointed to settle controversies, and who performed pretty nearly the same functions as modern arbitrators. The Justices of the County Courts sat also in the Orphans' Courts, which were established in every county to control and distribute the estates of decedents. For some cause now imperfectly understood, the conduct of the early Orphans' Courts was exceedingly unsatisfactory, and their practice so irregular that but little can be gleaned respecting them.

The Provincial Court, which was established in 1684, was composed of five, afterwards of three, judges, who were always among the most considerable men in the province. They had jurisdiction in cases of heinous or enormous crimes, and also in all cases where the title to land was in controversy. An appeal also lay to this court from the County and Orphans' Courts, in all cases where it was thought that injustice had been done.

was substantially that in vogue in the Court of Chancery, simplified to suit the requirements of the province.

"Large judicial powers were also vested in the Provincial Council, — a state of things not infrequently observed in the early stages of a country's growth, before the executive and judicial functions of government have been clearly defined. Prior to the establishment of the Provincial Court, all cases of great importance, whether civil or criminal, were tried before the Council. The principal trials thus conducted were those of Pickering for coining, and of Margaret Mattson for witchcraft. The latter terminated in a verdict of 'guilty of having the common fame of being a witch, but not guilty in manner and form as she stands indicted.' This is the only regular prosecution for witchcraft which is found in the annals of Pennsylvania. Prior to the establishment of the Provincial Court, the Council also entertained appeals in certain cases from the inferior courts. Subsequent to 1684, however, the extent of its judicial power was limited to admiralty cases, to the administration of decedents' estates, which, although more properly the business of the Orphans' Courts, was often neglected by those tribunals, and to the general superintendence and control of the various courts, so as to insure justice to the suitors.[1]

"The legal knowledge among the early settlers was scanty. The religious tenets of the Society of Friends rendered them very averse to lawyers, and distrustful of them. There was, therefore, comparatively little demand for skilled advocates or trained judges. John Moore and David Lloyd were almost the only professional lawyers of the seventeenth century. Nicholas More, Abraham Man, John White, Charles Pickering, Samuel Hersent, Patrick Robinson, and Samuel Jennings, with some others, however, practised in the courts with some success; but by insensible degrees, as population increased and the commercial interests of the community grew more extensive and complicated, a trained Bar came into existence."[2]

Markham not having agreed with Baltimore, 1681, regarding the boundaries of Pennsylvania and Maryland, the two met again in September of the following year at Upland, and Penn visited the latter at West River, Dec. 13, 1682. In May, 1683, Penn again met Lord Baltimore at New Castle, on the same business, but nothing was decided upon. This dispute was a consequence of the lack of geographical information at the time their grants were made. Baltimore's patent was for the unoccupied land between the Potomac and the fortieth degree of latitude, bounded on the east by Delaware Bay and the Atlantic Ocean, with the exception of that part of the Delaware peninsula which was south of a direct line drawn from Watkin's Point on the Chesapeake to the sea. The southern boundary of Penn's province was the fortieth degree and a circle of twelve miles around New Castle. When both patents were issued, it was supposed that the fortieth degree would fall near the head of Delaware Bay; but it was afterward found to be so far to the northward as to cross the Delaware River at the mouth of the Schuylkill. If the letter of the Maryland charter was to interpret its meaning, Penn would be deprived of considerable river

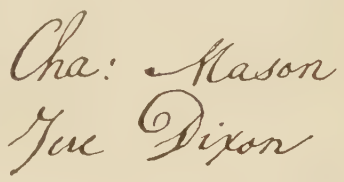
[1] In 1700 the admiralty jurisdiction was done away with by the establishment of a regular vice-admiralty court in the province.

[2] Manuscript note furnished by Lawrence Lewis, Jr., Esq.

frontage, which it was clearly the intention of the Lords of Trade to grant him; and he insisted that the boundary-line should be where it was *supposed* the fortieth degree would be found. This was resisted by Baltimore, who claimed ownership also to that part of the peninsula on the Delaware which Penn had received from the Duke of York. To enforce his claims, Baltimore sent to the Lords of Plantation a statement of what had taken place between Penn and himself. He also ran a line in his own interest between the provinces, and offered to persons who would take up land in the Delaware counties under his authority more advantageous terms than Penn gave. In 1684 Baltimore sent Colonel Talbot into the disputed territory to demand it in his name, and then sailed for England to look after his interests in that quarter.

Penn, when he learned all that had been done, wrote to the Lords of Trade, giving his version of the transaction; but before long he found the business would require his presence in England. Having empowered his Council to act in his absence, he sailed August, 1684.

The Lords of Trade rendered a decision Nov. 7, 1685, which secured to Penn the portion claimed by him of the Delaware peninsula, but which left undefined the southern boundary of Pennsylvania. The Maryland boundary was finally settled in 1760, upon an agreement which had been entered into in 1732 between the heirs of Lord Baltimore and those of Penn.[1] By this a line was to be drawn westward from Cape Henlopen[2] to a point half way between the bays of Delaware and Chesapeake. From thence it was to run northward so as to touch the most western portion of a circle of twelve miles radius around New Castle, and continue in a due northerly course until it should reach the same latitude as fifteen English statute miles directly south of the most southern part of Philadelphia. From the point thus gained the line was to extend due west. These lines were surveyed by Charles Mason and Jeremiah Dixon. They commenced their work in 1763 and suspended it in 1767, when they had reached a point two hundred and forty-four miles from the Delaware River.



The Indians who inhabited Pennsylvania were of the tribe of the Lenni Lenape. Some of them retained the noble characteristics of their race, but the majority of them, through their intercourse with the Dutch, the Swedes, and the English, had become thoroughly intemperate. Penn desired that his dealings with them should be so just as to preserve the confidence which Fox and Coale had inspired. Besides the letter written by his commissioners, he had sent to them messages of friendship through

[1] [See the Maryland view of this controversy in chap. xiii. — Ed.]

[2] This must not be confused with the present Cape Henlopen, which was in 1760 called Cape Cornelius. The line was eventually run from a point known as "The False Cape," about twenty-three or twenty-four miles south of the present Cape Henlopen.

Holme and others. In all the agreements he had entered into with purchasers, the interests of the Indians had been protected; and he was far in advance of his time in hoping to establish relations with them by which all differences between the white men and the red should be settled by a tribunal wherein both should be represented. The possibility of their civilization under such circumstances was not absent from his mind, and in his first contract with purchasers he stipulated that the Indians should have "the same liberties to improve their grounds and provide for the sustenance of their families as the planters." Following the just precedent which had been laid down by settlers in many parts of the country, and the advice of the Bishop of London, he would allow no land to be occupied until the Indian title had been extinguished. To obtain the land which was required by the emigrants, a meeting with the principal Indian chiefs was held at Shackamaxon June 23, 1683. The territory then purchased was considerable; but what was of equal importance to the welfare of the infant colony was the friendship then established with the aborigines. Poetry, Art, and Oratory have pictured this scene with the elevating thoughts which belong to each; but no more graphic representation of it has been made than that which is suggested by the simple language of Penn used in describing it. "When the purchase was agreed," he writes, "great promises passed between us of kindness and good neighborhood, and that the Indians and English must live in love as long as the sun gave light. Which done, another made a speech to the Indians in the name of all the Sachamakers, or kings: first, to tell them what was done; next, to charge and command them to love the Christians, and particularly live in peace with me, and the people under my government; that many governors had been in the river, but that no governor had come himself to live and stay here before; and having now such an one that had treated them well, they should never do him or his any wrong, — at every sentence of which they shouted and said *amen* in their way."[1]

"On the 6th of October, 1683, there arrived in Philadelphia, from Crefeld and its neighborhood, a little colony of Germans. They were thirteen men with their families, in all thirty-three persons, and they constituted the advance-guard of that immense emigration which, confined at first to Pennsylvania, has since been spread over the whole country. They were Mennonites, some of whom soon after, if not before, their arrival, became identified with the Quakers. Most of them were linen-weavers.

Among the first to purchase lands upon the organization of the province were several Crefeld merchants, headed by Jacob Telner, who secured fifteen thousand acres. The purchasers also included a number of distinguished persons in Holland and Germany, whose purchase amounted to twenty-five thousand acres, which became vested in the Frankfort Land Company, founded in 1686. The eleven members of

[1] While in America, Penn made other purchases from the Indians. One purchase from the Five Nations for land on the Susquehanna was delayed until after the limits between Pennsylvania and Maryland were settled, when it was consummated in 1696, through the agency of Governor Dongan of New York, and confirmed by the Indians in 1701.

this latter Company were chiefly Pietists and people of learning and influence, among whom was the celebrated Johanna Eleanora von Merlau. Their original purpose was to come to Pennsylvania themselves; but this plan was abandoned by all except Francis Daniel Pastorius, a young lawyer, son of a judge at Windsheim, skilled in the Greek, Latin, German, French, Dutch, English, and Italian languages, and carefully trained in all the learning of the day. On the 24th of October, 1683, Pastorius, as the agent for the Crefeld and Frankfort purchasers, began the location of Germantown. Other settlers soon followed, and among them, in 1685, were several families from the village of Krisheim, near Worms, where more than twenty years before the Quakers had made some converts among the Mennonites, and had established a meeting. In 1688 Gerhard Hendricks, Dirck op den Graeff, Francis Daniel Pastorius, and Abraham op den Graeff sent to the Friends' Meeting a written protest against the buying and selling of slaves. It was the first public effort made in this direction in America, and is the subject of Whittier's poem, *The Pennsylvania Pilgrim*." [1]

The progress made in the settlement of the province between 1681 and 1689 was remarkable, and was largely owing to Penn's energy. On the 29th of December, 1682, he wrote from Chester: "I am very well, . . . yet busy enough, having much to do to please all. . . . I am casting the country into townships." On the 5th of the next month he wrote: "I am day and night spending my life, my time, my money, and am not a sixpence enriched by this greatness. . . . Had I sought greatness, I had stayed at home." The English were the most numerous among the settlers; but in 1685, when the population numbered seven thousand two hundred, in which French, Dutch, Germans, Swedes, Finns, and Scotch-Irish were represented, Penn did not estimate his countrymen at above one half of the whole.

Twenty-three ships bearing emigrants arrived during the fall of 1682 and the winter following, and trading-vessels soon began to frequent the Delaware. The counties of Philadelphia, Chester, and Bucks were organized in the latter part of 1682, but were not surveyed until 1685. Philadelphia, named before she was born, and first laid out in August or September, 1682,[2] contained in the following July eighty houses, such as they were, and by the end of the year this number had increased to one hundred and fifty. The founders of the city lived in caves dug out of the high embankment by the river, and the houses which succeeded these primitive habitations were probably of the very simple character described in Penn's advice to settlers.[3] In July, 1683, a weekly post was established. Letters

[1] Manuscript note furnished by Samuel W. Pennypacker, Esq.

[2] [There is a contemporary map showing the laying out of Philadelphia by Holme (concerning which much will be found in John Reed's *Explanation of the Map of Philadelphia*, 1774), and also a part of Harris's map of Pennsylvania, which gives the location of Pennsbury Manor, Penn's country house, in Bucks County, four miles above Bristol, on the Delaware, which was built during Penn's first visit, on land purchased by Markham of the Indians. See the view in Gay's *Popular History of the United States*, iii. 174. — Ed.]

[3] Their frames were logs; they were thirty feet long and eighteen wide, with a partition in the middle forming two rooms, one of which could be again divided. They were covered with clapboards, which were "rived feather-edged." They were lined and filled in. The floor of the lower rooms was the ground; that of the upper was of clapboards. These houses, he said, would last ten years; but some persons, even in the villages, had built much better. The

were carried from Philadelphia to the Falls of Delaware for 3*d.*, to Chester 2*d.*, to New Castle 4*d.*, to Maryland 6*d.* Notices of its departure were posted on the Meeting-House doors and in other public places.

On the 26th of December of the same year the Council arranged with Enoch Flower, who had had twenty years' experience as a teacher in England, to open a school. Four shillings per quarter was the charge for

THE SLATE-ROOF HOUSE.[1]

those who were taught to read English; six shillings, when reading and writing were studied; and eight shillings, when the casting of accounts was added. For boarding scholars and "scooling," he was to receive "Tenn" pounds per annum.

The demand in trade at first was for articles of the greatest utility, like mill and "grindle" stones, iron kettles, and hardware. One of the women ordered shoes, and stipulated that they should be stout and large. James Claypoole sent his silver-hafted knives to his brother in Barbadoes, and consigned to him some beaver hats for which he could find at home no sale. But in less than a year a trade sprang up with some of the West India Islands, and rum, sugar, and negroes were ordered, in exchange for pipe-

house built for James Claypoole was about such as we have described. It had, however, a good cellar, but no chimney. He said it looked like a barn.

[1] [This was the house in Philadelphia in which Penn lived after his return to the colony in 1699. It stood on the southeast corner of Second Street and Norris's Alley, and was demolished in 1868. A view of it taken just before its demolition is given in Gay's *Popular History of the United States*, iii. 171, with an earlier view, ii. 496. There is an account of it by Mr. Townsend Ward, with a view, in the *Pennsylvania Magazine of History*, iv. 53; but the most extended account is in *Lippincott's Magazine*, vol. i. pp. 29, 191, 298, by General John M. Read, Jr. For other views, see Egle's *Pennsylvania*, p. 1016, and Day's *Historical Collections of Pennsylvania*, p. 556. The above cut is a facsimile of one given by Watson in his *Annals of Philadelphia*, 1845 edition, p. 158; 1857 edition, p. 158. It is lithographed in his 1830 edition, p. 151. Drawings of the interior are in the possession of the Hist. Soc. of Pennsylvania. — Ed.]

staves and horses. The silver from a Spanish wreck and peltries furnished the means of an exchange with Europe, and soon word was sent out to send "linnen, serges, crape, and Bengall, and other slight stuffs; but send no more shoes, gloves, stockings, nor hats." Before Penn sailed for England in 1684, Philadelphia contained three hundred and fifty-seven houses, many of them three stories high, with cellars and balconies. Samuel Carpenter, one of the most enterprising of the early merchants, had a quay at which a ship of five hundred tons could lie. Trades of all kinds flourished; vessels had been built; brick houses soon began to be seen; and shop windows enlivened the streets.

In 1685 William Bradford established his printing-press in Philadelphia, the first in the middle colonies of North America. Its earliest issue was an almanac entitled the *Kalendarium Pennsilvaniense*, printed in 1685 for the succeeding year.

By 1690 brick and stone houses were the kind usually erected, while only the poorer classes built of wood. Manufactures also began to flourish. That year William Ryttenhouse, Samuel Carpenter, William Bradford, and others built a paper mill on the Schuylkill. The woollen manufactures offered such encouragement that there was "a public flock of sheep in the town, and a sheepheard or two to attend them." The rural districts were also prosperous. The counties were divided into townships of about five thousand acres, in the centre of which villages were laid out. In 1684 there were fifty such settlements in the colony. At first the cattle were turned loose, and the ear-marks of their respective owners were registered at the county courts. Roads were surveyed and bridges built. The first mill was started in 1683 at Chester by Richard Townsend and others. The reports regarding the crops show them to have been enormous for the labor bestowed, and the development of the whole country seems to have been correspondent to the increased wealth of Philadelphia, where, in 1685, the poorest lots were worth four times what they cost, and the best forty-fold. At the beginning of the year 1684 Penn wrote: "I have led the greatest colony into America that ever any man did upon a private credit, and the most prosperous beginnings that ever were in it are to be found among us."

The early ecclesiastical annals of Pennsylvania are meagre. The wave of religious excitement which swept over England during the days of the Commonwealth spent itself on the banks of the Delaware. Men and women with intellects too weak to grasp the questions which moved them, or possibly instigated by cunning, wandered through the country prophesying or disputing. One declared "that she was Mary the mother of the Lord;" another, "that she was Mary Magdalen, and others that they were Martha, John, etc., — scandalizers," wrote a traveller in 1679, "as we heard them in a tavern, who not only called themselves, but claimed to be, really such."

The Swedish congregations, neglected by the churches in Sweden, were in 1682 falling into decay. The congregations at Tranhook, near Upland,

and at Tinnicum, were under the charge of Lars Lock, that at Wicaco under Jacob Fabritius. The former was a cripple, the latter blind. Their salaries were scantily paid, and they were miserably poor. The Dutch had but one church, which was at New Castle.

The first meeting of Quakers for religious worship in Pennsylvania was no doubt held at the house of Robert Wade, near Upland. William Edmundson, the Quaker preacher, speaks of such meetings in 1675. It was then that Wade came to America with Fenwick. In Bucks County meetings are said to have been held as early as 1680 at the houses of Quakers who had settled there. The first meeting near Philadelphia was at Shackamaxon, at the house of Thomas Fairman, in 1682; but it was soon removed to Philadelphia, where one was established in 1683. Early in that year no less than nine established meetings existed in Pennsylvania.

As early as 1684 or 1685 the Baptists established a church at Cold Spring, in Bucks County, about three miles above Bristol. The pastor was the Rev. Thomas Dungan. In 1687 they established a second congregation at Pennepeck, in Philadelphia County, of which the Rev. Elias Keach was the first minister. The Episcopalians and Presbyterians did not own places of worship until a later date.

The early political annals of the colony show a condition of affairs perfectly consistent with the circumstances under which the constitution was formed. While Penn remained in the country his presence prevented any excess such as might be expected from men inexperienced in self-government. In 1684, however, Penn was obliged to return to England, and he empowered the Provincial Council to act in his stead. Thomas Lloyd was the president of that body, and was also commissioned Keeper of the Seal. He was a man of prudence, and seems to have justified the confidence placed in him by Penn. Arrogance on the part of some of the other officers of the government soon awakened feelings of jealousy among the people, who were prompt to resent any violation of their rights. Nicholas More, the Chief-Justice, was impeached by the Assembly for gross partiality and overbearing conduct. He was styled by the Speaker an "aspiring and corrupt minister of state," and the Council was requested to remove him from office. He was expelled from the Assembly, of which he was a member, for having thrice entered his protest against a single bill. Patrick Robinson, the clerk of the Court, refused to submit to the House the records of the Court in the case of More, and was restrained for his "divers insolences and affronts." When brought before the Assembly, he stretched himself at full length on the ground, and refused to answer questions put to him, telling the House that it "acted arbitrarily" and without authority. The Council was also requested to remove him; but neither in his case nor in that of More were the prayers granted. "I am sorry at heart for your animosities," wrote

Penn, when he heard of these troubles; "cannot more friendly and private courses be taken to set matters to rights in an infant province whose steps are numbered and watched? For the love of God, me, and the poor country, be not so *governmentish*, so noisy and open in your dissatisfactions." It was the love of government, the seeds of which Penn had himself planted, which caused these troubles, and he it was who was to suffer most in that period of political growth. Hundreds, he said, had been prevented from emigrating by these quarrels, and that they had been to him a loss of £10,000. His quit-rents, which in 1686 should have amounted to £500 per annum, were unpaid. They were looked upon as oppressive taxes, for which the Proprietary had no need; but the year previous he wrote: "God is my witness. . . . I am above six thousand pounds out of pocket more than ever I saw by the province."

The want of energy shown by the Council in managing his affairs caused Penn to lessen the number in which the executive authority rested. In 1686 he commissioned five of the Council, three of whom were to be a quorum, to attend to his proprietary affairs. By the slothful manner in which the Council had conducted the public business, the charter, he argued, had again fallen into his hands, and he threatened to dissolve the Frame of Government "if further occasion be given." Under these commissioners but little improvement was made, and in 1688 Penn appointed Captain John Blackwell his lieutenant-governor.

CRITICAL ESSAY ON THE SOURCES OF INFORMATION.

THE EARLIEST TRACTS AND BOOKS. — During the first thirty years after the granting of Penn's charter (1681), there were various publications of small and moderate extent, which are the chief source of our information.

The first of these is Penn's own *Some Account*,[1] issued in 1681, soon after he received his grant. "It is introduced by a preface of some length, being an argument in favor of colonies," which is followed by a description of the country, gathered from such sources as he considered reliable, and by the conditions on which he proposed to settle it. Information for those desiring to emigrate, and extracts from the royal charter, are also given.

[1] *Some Account of the Province of Pennsilvania in America, Lately Granted under the Great Seal of England To William Penn, etc., Together with Priviledges and Powers necessary to the well-governing thereof. Made public for the Information of such as are or may be disposed to Transport Themselves or Servants into those Parts.* London: Printed and Sold by Benjamin Clark. etc., 1681.

See *Carter-Brown Catalogue*, vol. ii. no. 1,225; *Rice Catalogue*, no. 1,753. There is a copy in Harvard College Library, from which the accompanying fac-simile of title is taken. The chief portion of it is reprinted in Hazard's *Annals of Pennsylvania*, p. 505; Hazard's *Register of Pennsylvania*, i. 305.

In this pamphlet we have the origin of the quit-rents, which gave considerable uneasiness in the province. It gives also a picture of the social condition of England.

This tract appeared at once in Dutch [1] and German [2] editions. The latter edition contains also letters of Penn to Friends in Holland and Germany prior to his receiving his grant, which fact tends to show that the relations he had established by his travels there attracted the attention of persons in Germany to his efforts in America.

SOME

ACCOUNT

OF THE

PROVINCE

OF

PENNSILVANIA

IN

AMERICA;

Lately Granted under the Great Seal

OF

ENGLAND

TO

William Penn, &c.

Together with Priviledges and Powers neceſſary to the well-governing thereof.

Made publick for the Information of ſuch as are or may be diſpoſed to Tranſport themſelves or Servants into thoſe Parts.

LONDON: Printed, and Sold by *Benjamin Clark* Bookſeller in *George-Yard Lombard-ſtreet*, 1681.

REDUCED FAC-SIMILE OF TITLE TO "SOME ACCOUNT."

[1] *Een Kort Bericht van de Provintie ofte Landschap Pennsylvania genaemt; leggende in America; Nu onlangs onder het groote Zegel van Engeland gegeven aan William Penn, etc.* Rotterdam: Pieter van Wynbrugge, 1681, 4to, 24 pp. See *Carter-Brown Catalogue*, vol. ii. no. 1,227; Trömel, *Bibliotheca Americana*, no. 381.

A copy of this was sold at the Stevens sale (no. 619) in 1881 for £10 5*s*.

[2] *Eine nachricht wegen der Landschaft Pennsylvania in America: welche jungstens unter dem Grossen Siegel in Engelland an William Penn, etc.* Amsterdam: Christoff Cunraden, 4to, 31 pp. See *Carter-Brown Catalogue*, vol. ii. no. 1,226. A copy is in the Philadelphia Library. (Loganian, no. Q, 1,262.) [Harrassowitz of Leipzig, in recently advertising a copy (28 marks) with the imprint, Frankfort, 1683, says that it originally formed a part of the *Diarium Europæum*, and was never published separately. — ED.]

In the same year (1681) appeared César de Rochefort's account,[3] which is usually found joined to his *Description des Antilles*. Next year (1682) Penn published, under the title of *A Brief Account*,[4] a short description of his province, giving additional information. Of the same date is William Loddington's *Plantation Work*,[5] — a tract, however, by some attributed to

[3] *Recit de l'Estat Present des Celebres Colonies de la Virgine, de Marie-Land, de la Caroline, du nouveau Duché d'York, de Pennsylvania, et de la Nouvelle Angleterre, situées dans l'Amerique septentrionale, etc.* Rotterdam: Reinier Leers, 4to, 43 pp. *Carter-Brown Catalogue*, vol. ii. no. 1,230; Leclerc's *Bibliotheca Americana*, no. 1,324.

[4] *A Brief Account of the Province of Pennsylvania, lately granted by the King, under the Great Seal of England, to William Penn and his Heirs and Assigns.* London: Printed by Benjamin Clark, in George-Yard in Lombard Street, 4to; also abridged and issued in folio, without place or date.

There is a copy in Harvard College Library. Cf. Smith's *Catalogue of Friends' Books*, and *Rëcuel de Diverses pieces concernant la Pensylvanie*. See *infra*, p. 31.

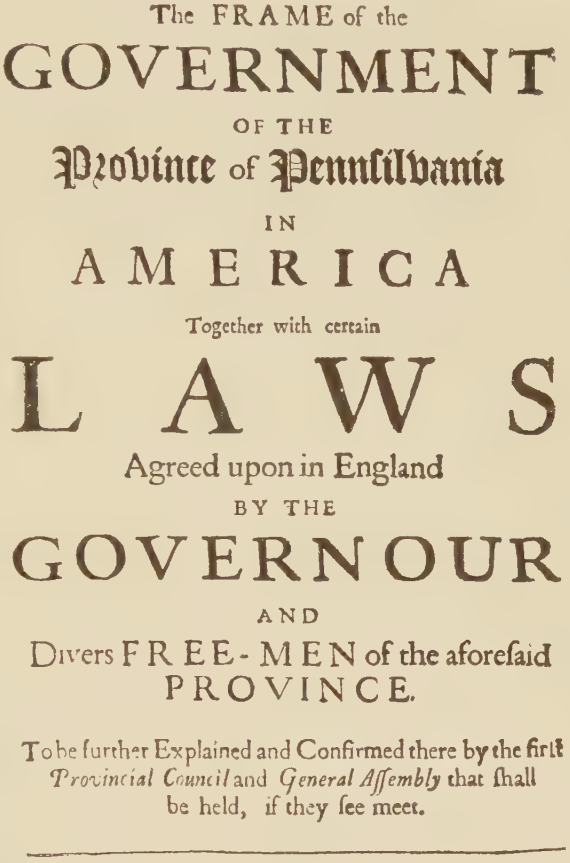
[5] *Plantation Work the Work of this Generation. Written in True-Love To all such as are weightily inclined to Transplant themselves and Families to any of the English Plantations in America. The Most material Doubts and Objections against it being removed, they may more cheerfully proceed to the Glory and Renown of the God of the whole Earth, who in all undertakings is to be looked unto, Praised, and Feared for Ever. Aspice venturo lætetur ut India Sæclo.* London: Printed for Benjamin Clark, in George-Yard in Lombard Street, 1682, 4to, 18 pp. and title.

Copies of the tract are in the Carter-Brown Library, vol. ii. 1,252, Friends' Library, Philadelphia, and in that of the Historical Society of Pennsylvania.

George Fox. It was written in favor of Quaker emigration at a time when many Quakers feared that such action might be prompted by a desire to escape persecution. In it we have the earliest descriptions preserved of Pennsylvania after it was given to Penn. These are presented in letters of Markham, written soon after his arrival, the date of which is also indicated. The extracts from Markham's letters are printed in *Pennsylvania Magazine of History*, vi. 175.

The constitution which Penn proposed for his colony, together with certain laws which were accepted by purchasers in England as citizens of Pennsylvania, were issued the same year as *The Frame of Government*.[1] Both constitution and laws underwent considerable alteration before going into effect; although this fact has been frequently overlooked. A little brochure, of probably a like date, *Information and Direction*,[2] covers a description of the houses which it was supposed would be the most convenient for settlers to build.

The Free Society of Traders purchased of Penn twenty thousand acres. The Society was formed for the purpose of developing this tract, which was to be known as the Manor of Frank. Nicholas More was president, and James Claypoole treasurer. The letter-book of the latter is in the Historical Society of Pennsylvania. The charter of the Society will be



The FRAME of the

GOVERNMENT

OF THE

Province of Pennſilvania

IN

AMERICA

Together with certain

LAWS

Agreed upon in England

BY THE

GOVERNOUR

AND

Divers FREE-MEN of the aforeſaid PROVINCE.

To be further Explained and Confirmed there by the firſt *Provincial Council* and *General Aſſembly* that ſhall be held, if they ſee meet.

Printed in the Year MDCLXXXII.

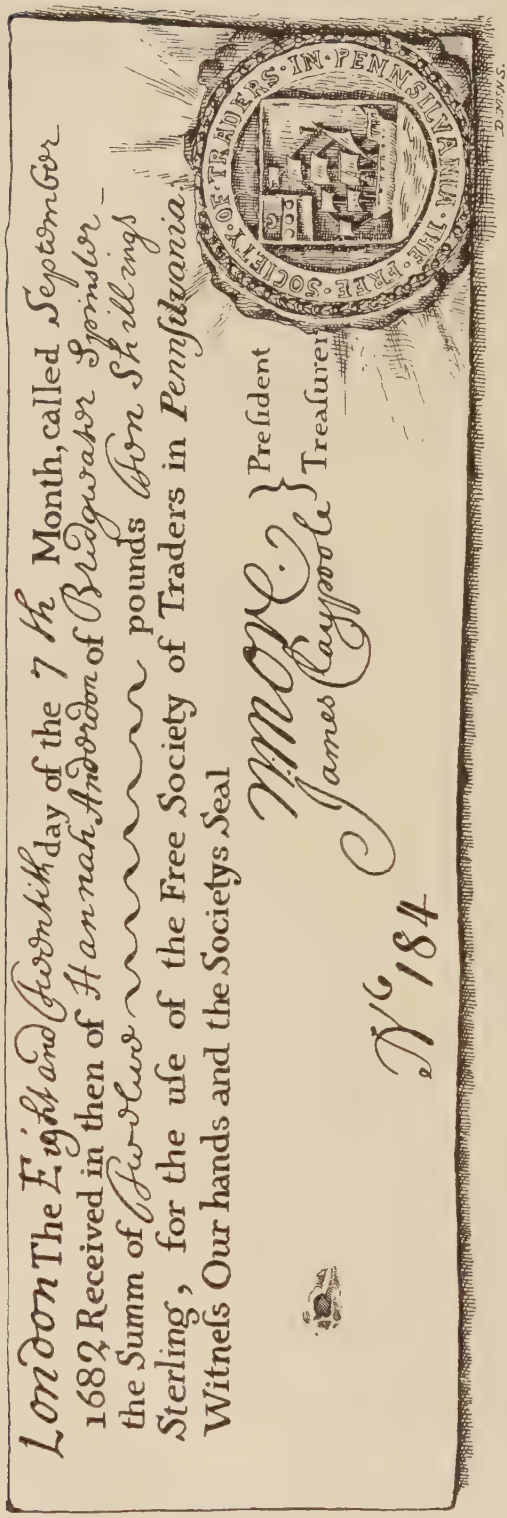
REDUCED FAC-SIMILE OF TITLE OF "THE FRAME OF GOVERNMENT."

[1] *The Frame of the Government of the Province of Pennsilvania in America: Together with certain Laws agreed upon in England by the Governour and divers Free Men of the aforesaid Province.* Folio, 11 pp., 1682.

Penn's copy of the above, with his bookplate, is in the library of the Historical Society of Pennsylvania. It was purchased at the Stevens sale in 1881 for £10 5s. (Stevens's *Historical Collection*, no. 623; *Carter-Brown Catalogue*, vol. ii. no. 1,251.) There is another copy in Harvard College Library, from which the annexed fac-simile of title is taken. Later editions of the *Frame*, containing the alterations made in 1683, are spoken of on a subsequent page.

[2] *Information and Direction To Such Persons as are inclined to America, more Especially Those related to the Province of Pennsylvania.* Folio, 4 pp.

The title of this tract is given in Smith's *Catalogue of Friends' Books*, under date of 1681. It is reprinted, with a fac-simile of the half-title, in *Pennsylvania Magazine of History*, iv. 329, from a copy in possession of Mr. Henry C. Murphy. An edition was published at Amsterdam in 1686, which is given on a following page.


London The Eighth day of the 7th Month, called September
1682 Received in then of Hannah Andrew of Bridgwater Spinster
the Summ of Twelve pounds Ten Shillings
Sterling, for the use of the Free Society of Traders in Pennsilvania.
Witnels Our hands and the Societys Seal
President
Treasurer
No 184
THE · FREE · SOCIETY · OF · TRADERS · IN · PENNSILVANIA

RECEIPT AND SEAL OF THE FREE SOCIETY OF TRADERS.

found in Hazard's *Annals* (p. 541), with other information regarding the Society; and in the same volume (p. 552) a portion of a tract[1] which is printed in full with a reduced fac-simile of titlepage in *Pennsylvania Magazine of History*, v. 37.

A Vindication of William Penn, by Philip Ford, in two folio pages, was published in London in 1683, to contradict stories which were circulated after Penn had sailed, to the effect that he had died upon reaching America, and had closed his career professing belief in the Church of Rome. It contains abstracts of the first letters written by Penn from America.[2]

The most important of all the series is a *Letter from William Penn*,[3] printed in 1683.

[1] There is a copy of the original tract in Harvard College Library. Its title is as follows,—

The Articles, Settlement, and Offices of the Free Society of Traders in Pennsilvania: Agreed upon by divers Merchants and others for the better Improvement and Government of Trade in that Province. London: Printed for Benjamin Clark, folio, 14 pp., 1682.

[2] Copies of it are in the British Museum and in the Friends' Library, London. It is reprinted in the *Pennsylvania Magazine of History*, vi. 176, from a transcript obtained from the British Museum.

[3] *A Letter from William Penn, Proprietary and Governour of Pennsylvania in America, to the Committee of the Free Society of Traders of that Province, residing in London. To which is added An Account of the City of Philadelphia, etc.* Printed and Sold by Andrew Sowle, at the Crooked-Billet in Holloway Lane in Shoreditch, and at several Stationers' in London, folio, 10 pp., 1683.

A copy of the edition, with list of property holders, is in the Library of the New York Historical

It was written after Penn had been in America over nine months (dated August 16), and may be considered as a report from personal observation of what he found his colony to be. It passed through at least two editions in London; one of which contains a list of the property-holders in Philadelphia, with numbers affixed to their names indicating the lots they held, as is shown on a plan of that city which accompanies the publication, and of which a heliotype is herewith given. The letter appeared the next year (1684) in a Dutch translation[1] (two editions). Of the same date is a new description of the province, of which we have a German[2] and a French[3] text. The pamphlet contains an extended extract from Penn's letter to the Free Society of Traders, the letter of Thomas Paschall from Philadelphia, dated Feb. 10, 1683 (N. S.), and other interesting papers, many of which were published in *A Brief Account*. All information in it that is not readily accessible has been lately translated by Mr. Samuel W. Pennypacker from the French edition, and is printed with fac-simile of title in the *Pennsylvania Magazine of History*, vi. 311.

A small tract, giving letters from a Dutch and Swiss sojourner in and near Philadelphia, was printed at Rotterdam, in 1684, as *Twee Missiven*.[4] The only copy of this tract which we know of is in the Library of Congress, and will be shortly published by the Historical Society of Pennsylvania. The copy at Washington, we are told, contains but one letter. Another, or possibly the same, copy is catalogued in Trömel's *Bibliotheca Americana*, Leipzig (1861), no. 390.

The *Planter's Speech*[5] (1684) and Thomas Budd's *Good Order established in Pennsylvania, etc.* (1685),[6] which have been referred to in another chapter, are of like importance to Pennsylvania history. What is called "William Bradford's Printed Letter" (1685) is quoted in the first edition of Oldmixon's *British Empire in America*, p. 158. We have, however, never met with the original publication.

Society. It has been lately reprinted by Coleman, of London. Copies of the edition, which does not contain the list of purchasers, are in the Philadelphia Library and in the Historical Society of Pennsylvania. It is reprinted in Proud's *History of Pennsylvania*, i. 246; Hazard's *Register of Pennsylvania*, i. 432; Janney's *Life of Penn*, p. 238; and in the various editions of Penn's collected *Works*. Menzies' copy sold for $65. Harvard College Library has a copy without the list; another is in the Carter-Brown Library. Cf. Rich's *Catalogue* of 1832, no. 403.

[1] *Missive van William Penn, Eygenaar en Gouverneur van Pennsylvania, in America. Geschreven aan de Commissarissen van de Vrye Societeyt der Handelaars, op de selve Provintie, binnen London resideerende. Waar by noch gevoeght is een Beschrijving van de Hooft-Stadt Philadelphia, etc.* Amsterdam: Gedrukt voor Jacob Claus, 1684, 4to, 23 pp.

A copy is in the Carter-Brown Library, *Catalogue*, vol. ii. no. 1,293, and in the *O'Callaghan Catalogue*, no. 1,816 ($20). The one in the Library of the Historical Society of Pennsylvania lacks the map. It contains, in addition to what is in the London edition, a letter from Thomas Paschall, dated from Philadelphia, Feb. 10, 1683 (N. S.), the first, we believe, dated from that locality. This letter will be found translated in *Pennsylvania Magazine of History*, vi. 322.

[2] *Beschreibung der in America new-erfunden Provinz Pensylvanien. Derer Inwohner Gesetz Arth Sitten und Gebrauch: auch samlicher reviren des Landes sonderlich der haupt-stadt Philadelphia.* (Hamburg.) Henrich Heuss, 1684, 4to, 32 pp. *Carter-Brown Catalogue*, vol. ii. no. 1,295.

[3] *Recüeil de Diverses pieces concernant la Pensylvanie.* A La Haye: Chez Abraham Troyel, 1684, 18mo, 118 pp.

Of the copy in the Carter-Brown Library, Mr. J. R. Bartlett, its curator, writes that it is the same with the German. *Carter-Brown Catalogue*, vol. ii. no. 1,295. Another copy is in the possession of a member of the Historical Society of Pennsylvania; cf. Stevens, *Historical Collection*, no. 1,539.

[4] *Twee Missiven geschreven uyt Pensilvania, d' Eene door een Hollander, woonachtig in Philadelfia, d' Ander door een Switser, woonachtigin German Town, Dat is Hoogduytse Stadt. Van den* 16 *en* 26 *Maert*, 1684, *Nieuwe Stijl.* Tot Rotterdam, by Pieter van Alphen, anno 1684, 2 leaves, small 4to.

[5] See Mr. Whitehead's chapter in the present volume, and Proud's *History of Pennsylvania*, i. 226.

[6] We are unable to give any information additional to that furnished by Mr. Whitehead, except that a copy of this tract sold for $160 at the Brinley sale, and that the original edition can be found in the Carter-Brown, Lenox, Historical Society of Pennsylvania, and Friends' (of Philadelphia) libraries; cf. *Historical Magazine*, vi. 265, 304. A biographical sketch of Budd will be found in Mr. Armstrong's introduction to the work as published in Gowan's *Bibliotheca Americana*, no. 4.

Another Dutch description of the country was printed the same year (1685) at Rotterdam, *Missive van Cornelis Bom*,[1] and has become very rare.

In 1685 Penn also printed *A Further Account* of his grant, signing his name to the tract, which appeared in quarto in separate editions of twenty and sixteen pages, followed the same year by a Dutch translation.[2] After Penn's letter to the Free Society (1683) this is the most important of these early tracts.

In 1686 the series only shows a brief Dutch tract;[3] but in 1687 we derive from *A Letter from Dr. More*,[4] *etc.*, partly the work of Nicholas More, president of the Free Society of Traders, an idea of the growth of the province at that date. Of a similar character is a tract printed four years later (1691), *Some Letters*, etc.[5] In the following year (1692) we have a poetical description[6] of the province, which contains many interesting facts. Little is known of the author, Richard Frame. It is said that he was a teacher in the Friends' School of Philadelphia. He was certainly a resident of Pennsylvania, and the first of her citizens to give his thoughts to the public in the form of verse. The first four lines will suffice to show its merits as a poem: —

> "To all our Friends that do desire to know
> What Country 't is we live in — this will show.
> Attend to hear the Story I shall tell:
> No doubt but you will like this country well."

The pamphlet was a colonial production. It appeared on paper which was possibly made here, and was printed by William Bradford.

[1] *Missive van Cornelis Bom Geschreven uit de Stadt Philadelphia in de Provintie van Pennsylvania Leggende op d' vostzyde van de Zuyd Revier van Nieuw Nederland Verhalende de groote Voortgank van deselve Provintie Waerby komt de Getuygenis van Jacob Telner van Amsterdam.* Tot Rotterdam, gedrukt by Pieter van Wijnbrugge, in de Leeuwestraet, 1685.

The title we give is from a copy in the "Library of the Archives" of the Moravians, Bethlehem, Pa.

[2] *A Further Account of the Province of Pennsylvania and its Improvements. For the Satisfaction of those that are Adventurers and enclined to be so.* No titlepage. Signed "William Penn, Worminghurst Place, 12th of the 10 month, 1685."

Tweede Bericht ofte Relaas van William Penn, Eygenaar en Gouverneur van de Provintie van Pennsylvania, in America, etc. Amsterdam: By Jacob Claus, 4to, 20 pp.

Copies of all three editions are in the Carter-Brown Collection. (*Catalogue*, ii. 1,320–22). The two English editions are in the possession of the Historical Society of Pennsylvania. Extracts from it are given in Blome's *Present State of His Majesties Isles and Territories in America*, London, 1687, pp. 122–134. We do not think that the work has ever been reprinted. Trömel, *Bibliotheca Americana*, no. 390, gives the Dutch edition.

[3] *Nader Informatie en Bericht voor die gene die genegen zijn, om zich na America te begeeven, en in de Provincie van Pensylvania Geinteresseerd zijn, of zich daar zocken neder te zetten. Mit een Voorreden behelzende verscheydene aanmerkelijke zaken vanden tegenwoordige toestand, en Regeering dier Provincie; Novit voor dezen in druk geweest: maar nu eerst uytgegeven door Robert Webb t' Amsterdam.* By Jacob Claus, 1686, 4to, i+11 pp. *Carter-Brown Catalogue*, vol. ii. no. 1,332.

[4] *A Letter from Doctor More, with Passages out of several Letters from Persons of Good Credit, Relating to the State and Improvement of the Province of Pennsilvania.* Published to prevent false Reports. Printed in the Year 1687.

It is reprinted in *Pennsylvania Magazine of History*, iv. 445, from a copy in the Carter-Brown Library, *Catalogue*, vol. ii. no. 1,339.

[5] *Some Letters and an Abstract of Letters from Pennsylvania, Containing the State and Improvement of that Province. Published to prevent Mis-Reports.* Printed and Sold by Andrew Sowe, at the Crooked Billott in Holloway Lane in Shoreditch, 1691, 4to, 12 pp.

Penn's copy is in the Library of the Historical Society of Pennsylvania; see *Carter-Brown Catalogue*, ii. 1,423. It is reprinted in *Pennsylvania Magazine of History*, iv. 189.

[6] *A Short Description of Pennsilvania, or, A Relation What things are known, enjoyed, and like to be discovered in the said Province.* [Imperfect.] By Richard Frame. Printed and sold by William Bradford in Philadelphia, 1692, 4to, 8 pp.

But one copy is known to have survived, and it is preserved in the Philadelphia Library. A small edition was printed in fac-simile, in 1867, on the Oakwood Press, a private press of "S. J. Hamilton" (the late Dr. James Slack). Its introduction is in the form of a letter by Horatio Gates Jones, Esq.

Soon after the appearance of Frame's verses, the poetic fever seized upon John Holme, and he wrote "A true Relation of the Flourishing State of Pennsylvania." The poetic taste of the community was either satiated by the effort of Frame, or Holme shrank from the honors of authorship, for his poem did not see the light until published by the Historical Society of Pennsylvania in the thirteenth number of its *Bulletin* in 1847.

In 1695 one of the party who emigrated with Kelpius gave the public an account of his voyage and arrival,[1] under the pseudonym of "N. N." He dated his letter "from Germantown, in the Antipodes, Aug. 7, 1694."

In addition to Mr. Whitehead's remarks regarding Gabriel Thomas's *Account of Pennsylvania* (see chap. xi.), we will add that the portion relating to Pennsylvania

GABRIEL THOMAS'S MAP, 1698.

covers fifty-five pages, besides eight pages which are devoted to the preface and title. A person by the name of the author, probably the same, was in America in 1702, and was then solicitous of a commission as collector of quit-rents, etc., within the county of Newcastle. In 1698 he inveighed against George Keith and his followers, and in 1702 sided with Colonel Quarry in his disputes with Penn. Most of the statements in his book can

[1] *Copia Eines Send-Schriebens ausz der neuen Welt, betreffend die Erzehlung einer gefährlichen Schifffarth, und glücklichen Anländung etlicher Christlichen Reisegefehrten, welche zu dem Ende diese Wallfahrt angetratten, den Glauben an Jesum Christum allda Ausz-zubreiten.* Gedruckt im Jahr 1695, 4to, 11 pp.

A copy was purchased by the Historical Society of Pennsylvania at the Stevens sale in 1881 for £26. It has been translated by Professor Oswald Seidensticker for publication in the *Pennsylvania Magazine of History*. Professor Seidensticker inclines to the belief that it was written by Daniel Falkner.

be relied on, but some passages are marked by exaggeration and others by satire. As some of the buildings in Philadelphia mentioned by Thomas were not erected until after he wrote, Mr. Westcott, in his *History of Philadelphia*, suggests that possibly there was more than one edition of the work bearing the same date.[1]

In 1700 was printed a *Beschreibung der Provintz Pennsylvaniæ*,[2] the work of Francis Daniel Pastorius, agent of the Frankfort Land Company, and the most active and intelligent of the first German settlers, which is of great interest, as it contains the views of one thoroughly identified with the German movement to America. The descriptions of the country and of the form of government, the advice to emigrants, etc., which it contains, are gathered from letters written to his father. A translation of portions of the work by Lewis H. Weiss is given in *Memoir of Historical Society of Pennsylvania*, vol. iv. part ii. p. 83. The original edition is generally found bound up with a German edition of Thomas's *Pennsylvania*, printed in 1702, and the tract by Falkner hereafter mentioned. While the works bear different dates, there appears to have been some connection in the series. The information in Thomas, originally printed in 1698, supplements to a great extent what will be found in Pastorius, printed in 1700. The titlepage of the German edition of Thomas (1702) speaks of it, therefore, as a continuation of Pastorius, and the same shows Falkner's tract to have appeared as a supplement to the German edition of Thomas.

An agent of the Frankfort Company, who was in Pennsylvania in 1694 and 1700, issued at Frankfort in 1702 a little book, *Curieuse Nachricht*,[3] which gives some information in the form of questions and answers, one hundred and three in number. The subjects touched upon are the country in general, its soil, climate, etc ; the inhabitants, their manners, customs, and religions ; the Indians ; how to go to America, etc.

The last of the works to be considered as original authority is J. Oldmixon's *British Empire in America*, as it s known that the author got some of his information from Penn himself.[4] It was first issued at London in 1708, and again in 1741. The editions differ materially in the sections on Pennsylvania, so that both need to be consulted.

[1] There are two copies of the book in Harvard College Library ; from the map in one the annexed fac-simile is taken. Cf. Wharton's paper on provincial literature in *Hist. Soc. Mem.*, i. 119; and the *Carter-Brown Catalogue*, ii. 1,550.

[2] *Umstandige Geographische Beschreibung Der zu allerletzt-erfundenen Provintz Pensylvaniæ, In denen End Grantzen Americæ In der West-Welt gelegen durch Franciscum Danielem Pastorium, etc. Vattern Melchiorem Adamum Pastorium, und andere gute Freunde.* Franckfurt und Leipzig. Zu finden bey Andreas Otto, 1700, 16mo, 140 pp.

The Harvard College copy is dated 1704; cf. *Brinley Catalogue*, no. 3,077 ; and *O'Callaghan Catalogue*, no. 1,807, with a *Continuatio* of 1702 ($43.00).

[3] *Curieuse Nachricht von Pensylvania in Norden-America welche auf Begehren guter Freunde, etc.* Von Daniel Falknern, Professore, Burgern und Pilgrim allda. Franckfurt und Leipzig. Zu finden bey Andreas Otto, Buchhandlern, 1702, 16mo, 58 pp.

[4] It is worth while to make record of two tracts of this early period whose titles might deceive the student with the belief that they pertained to the subject, but they do not. The first is a burlesque indorsement of the Protestant Reconciler, entitled *Three Letters of Thanks to the Protestant Reconciler : 1. From the Anabaptists at Munster ; 2. From the Congregations in New England ; 3. From the Quakers in Pennsylvania.* London : Benjamin Took, 1683, 4to, 26 pp.

The other is a *Letter to William Penn, with His Answer*, London, 1688, 4to, 10 pp; again the same year in 20 pp.; and in Dutch, 16 pp., Amsterdam, 1689.

This letter, by Sir William Popple, is addressed "To the Honourable William Penn, Esq., Proprietor and Governor of Pennsylvania." It is a friendly criticism on his conduct while living in England, after his return from America. It has nothing to do with his province but is of a biographical nature. Proud prints the correspondence in his *History of Pennsylvania* (i. 314). It has been catalogued as connected with the history of the province. Cf. *Carter-Brown Catalogue*, vol. ii., nos. 1,363 and 1,390. Both of the London editions are in the possession of the Historical Society of Pennsylvania.

The student may also need to be warned against a forged letter of Cotton Mather, about a plot to capture Penn. *Mass. Hist. Soc. Proc.*, 1870, p. 329.

THE RISE AND PROGRESS OF THE QUAKERS. — As we have traced the history of Penn's colony from the origin of the religious society which had such an influence on the formation of his character, and to which Pennsylvania owes its existence quite as much as to Penn himself, a few references must be made to the chief sources of information from which a history of the Quakers can be gathered. The most prominent of these is the *Journal of George Fox*,[1] the founder of the Quaker Church. It relates, in passages of alternate vividness and ambiguity, the experiences of his life. So different, however, are the opinions entertained, that while Macaulay says that "his gibberish was translated into English, meanings which he would have been unable to comprehend were put on his phrases, and his system so much improved that he would not have known it again," Sir James Mackintosh, on the contrary, calls the *Journal* "one of the most extraordinary and instructive narratives in the world, which no reader of competent judgment can peruse without revering the virtues of the writer, pardoning his self-delusions, and ceasing to smile at his peculiarities."

W. Edmundson made three voyages to America before 1700, the first with Fox, in 1671; his *Journal*[2] has been often printed.

Penn's own statements about the sect's origin were given in his *Brief Account of the Rise and Progress of the People called Quakers*, published at London in 1695, and in his *Primitive Christianity Revived*, 1696 and 1699.

Robert Barclay is considered the most able exponent of the Quaker belief among early writers of that sect, and his *Apology*[3] is his chief work. He was the son of "Barclay of Ury," of whom Whittier has sung, and was governor of East Jersey (see chap. xi.).

The Sufferings of the People called Quakers,[4] by Joseph Besse, is, as its title indicates, an account of their persecutions in various parts of the world. It is written from a Quaker standpoint, but its accuracy can seldom be questioned. It has passed through two editions.

Sewel's *History of the Quakers*[5] is a work which possesses great value, not only on account of its freedom from error, but because it was written at an early period in the history of the Society of Friends. Its author was a native of Amsterdam, and was born about 1650. His history was written to correct the misrepresentations in *Historia Quakeriana*,[6]

[1] *A Journal or Historical Account of his Life, Travels, Sufferings, etc.* London, 1694, folio. Again, London, 1709; 1765; 7th ed., 1852, with notes by Wilson Armistead. Allibone's *Dictionary*, i. 625; Sabin's *Dictionary*, vi. 25,352.

[2] London, 1713; Dublin, 1715; London, 1715, 1777; Dublin, 1820; and in two different Friends' libraries, 1833 and 1838. Sabin, vi. 21,873.

[3] *Apology for the Church and People of God called in derision Quakers; Wherein they are vindicated from those that accuse them of Disorder and Confusion on the one hand, and from such as calumniate them with Tyranny and Imposition on the other; shewing that as the true and pure Principles of the Gospel are restored by their Testimony, so is also the ancient apostolick order of the Church of Christ re-established among them, and settled upon its Right Basis and Foundation.* By Robert Barclay, London, 1676, 1 vol., 4to.

There have been various later editions in English and German. Masson calls this book by far the best-reasoned exposition of the sect's early principles.

[4] *A Collection of the Sufferings of the People called Quakers, for the testimony of a good Conscience.* London, 1753, 2 vols., folio.

[5] *The History of the Rise, Increase, and Progress of the Christian People called Quakers, intermixed with several remarkable occurrences. Written originally in Low Dutch by W. S., and by himself translated into English.* London, 1722, folio, 752 pp. There are later editions, — London, 1725; Philadelphia, 1725; Burlington, N. J., 1775; again, 1795, 1799-1800; Philadelphia, 1811; again, 1833, in Friends' Library; New York, 1844, etc. The Philadelphia edition of 1725 bears the imprint of Samuel Keimer. It was this book which Franklin, in his *Autobiography*, tells us he and Meredith worked upon just after they had established themselves in business. Forty sheets, he says, were from their press.

[6] [This was published at Amsterdam in 1696, and was translated into English, with a letter by George Keith, vindicating himself, the same year; and also into German. Sabin's *Dictionary*, v. 17,584. The next year (1797) Francis Bugg's *Picture of Quakerism* was printed as "A modest Corrective of Gerrard Croese" (Sabin, iii. 9,072); Bugg having, since about 1684, joined their opponents. *Brinley Catalogue*, no. 3,503. — ED.]

by Gerard Croese, which had been largely circulated. Sewel's work was published in Dutch at Amsterdam in 1717, and a translation by the author was issued in London, 1722. Gough's *History of the Quakers* is a compilation of nearly all that was accessible at the time of its publication. The *Portraiture of Quakerism*,[1] by Clarkson, treats of the discipline and customs of the Society. The *History of Friends in the Seventeenth Century*, by Dr. Charles Evans, contains nearly everything that most readers will require. It is an excellent compilation, and presents the subject in a compact, useful form. The same can be said of a *History of the Religious Society of Friends from its rise to the year* 1828,[2] by Samuel M. Janney. The author was a follower of Elias Hicks, and his work contains a history of the separation of the meetings caused by the doctrines preached by the latter. In Barclay's *Inner Life of the Religious Societies of the Commonwealth*[3] the attempt has been made to trace the origin of the Society of Friends to an earlier period than the preaching of Fox. The author of the work was Robert Barclay, of the same family as "the Apologist." The work, which is an able one, was reviewed by Dr. Charles Evans.[4] A terse criticism was lately made on the book by a Friend, who in conversation remarked, "Robert Barclay seemed to know more of what George Fox believed than George himself."

The chief manuscript depository of the Friends is in Devonshire House, Friends' Meeting-House, 12 Bishopsgate Street Without, London, E.C., England, where what is known as the Swarthmore manuscripts are preserved. The collection was made under the direction of George Fox, and many of the papers are indorsed in his handwriting. It consists "of letters addressed to Swarthmore Hall from the Preachers in connection with Fox, giving an account of their movements and success, to Margaret Fell, and through her to Fox. Up to 1661 Swarthmore Hall was secure from violation, and these letters range over the period from 1651 to 1661."

John Whiting's *Catalogue of Friends' Books*, published in 1708, is the earliest gathering of titles concerning the Quakers. The work, however, has been fully done in our own day by Joseph Smith, who published, in 1867, at London, *A Descriptive Catalogue of Friends' Books*, in two volumes, with critical remarks and occasional biographical notices; and in 1873, his *Bibliotheca Anti-Quakeriana; or, a Catalogue of Books adverse to the Society of Friends; with Biographical Notices of the Authors: with Answers.*[5]

In following the history of the Quakers, particularly in America, the recorder of their career in Pennsylvania must leave unnamed some of the most important books, because their contents concern chiefly or solely the story of their persecutions and progress in the other colonies, particularly New England.[6] Bowden's *History of Friends in America*, as

[1] *Portraiture of Quakerism*, 3 vols., London, 1806; New York, same date.

[2] Four vols., Philadelphia, 1860–67.

[3] London, 1876.

[4] *An Examen of Parts relating to the Society of Friends in a recent work by Robert Barclay, entitled, etc.* Philadelphia, 1876.

[5] See also *Brinley Catalogue*, no. 3,479, for a variety of titles; and Bohn's *Lowndes*, p. 2017.

[6] It may not, however, be out of place to mention here the chief reasons on which the followers of Fox base their objections to the manner in which it is customary to speak of the first Quakers who visited New England. It is generally represented that it was the behavior of these early ministers which caused their persecution; but before a European Quaker had set foot on Massachusetts the court had denounced them, and in October, 1656, a law was passed which spoke of them as a "cursed sect of heretickes." It is also customary to speak of the executions of Quakers in Boston in connection with certain acts of indecency committed by women who were either laboring under mental aberrations or believed that they were fulfilling a divine command, leaving on the mind of the reader the impression that the capital law was called into existence to correct such abuses. No such acts were committed until after the capital law had fallen into disuse. Nor is it clear, from printed authorities, that the death penalty was only inflicted after every possible means had been tried by the Massachusetts authorities to rid themselves of their unwelcome visitors. The language of the law of 1658, which declared that if a banished Quaker returned he or she should suffer death, does not show that it supplemented that of 1657, by which punishments increasing in severity were visited on Quakers upon their first, second, and third

it is the most important of the late works, must also be mentioned. Its author enjoyed great advantages in preparing it, having the manuscripts deposited in Devonshire House at his command. In it many original documents of the greatest interest are printed for the first time, among which we may mention a letter of Mary Fisher to George Fox, from Barbadoes, dated Jan. 30, 1655, regarding Quaker preachers coming to America, and of Josiah Coale to the same person, in 1660, in relation to the purchase of a tract of land, now a portion of Pennsylvania. The work is spirited and readable, and while it is written in entire sympathy with the Quakers, its statements are so carefully weighed that but little exception can be taken to them, and then only in cases where the fundamental views of the author and of his readers are at variance.

A defence of the early Friends in America will be found in *Colonial History of the Eastern and some of the Southern States*, by Job R. Tyson; see *Memoirs of Historical Society of Pennsylvania*, vol. iv. part ii. p. 5. For the colonies other than New England, a few references will suffice. For New York, O'Callaghan's *History of New Netherland* and Brodhead's *New York* can be consulted. For those at Perth Amboy, 1686–1688, see *Historical Magazine*, xvii. 234. The *Annals of Hempstead*, by Henry Onderdonk, Jr., treats of the Quakers on Long Island and in New York from 1657 to 1826; cf. also the *American Historical Record*, i. 49; ii. 53, 73. *The Early Friends (or Quakers) in Maryland*, by J. Saurin Norris, and *Wenlock Christison and the Early Friends in Talbot County, Maryland*, by Samuel A. Harrison, are the titles of instructive addresses delivered before the Maryland Historical Society, and included in its Fund publications; compare also E. D. Neill's "Francis Howgill and the Early Quakers," in his *English Colonization in North America*, chap. xvii., and his *Terra Mariæ*, chap. iv. Henning's *Statutes at Large* give the laws passed in Virginia to punish the Quakers. The *Journals* and *Travels* of Burnyeat, Edmundson, and Fox should also be consulted. A far from flattering picture of the Quakers living on the Delaware shortly before the settlement of Pennsylvania, will be found in the *Journal* of Dankers and Sluyter, two followers of John Labadie, who travelled in America in 1679–1680. Their account of the condition of the country on the Delaware at that time is very interesting.[1] *A Retrospect of Early Quakerism: being Extracts from the Records of the Philadelphia Yearly Meeting, etc.*, by Ezra Michener, Philadelphia, 1860, is also a useful work, as it gives the dates when meetings were established.

William Penn. — The collected works of William Penn have passed through four editions;[2] these contain but few of his letters in relation to Pennsylvania.[3] The biographical sketch which accompanies the edition of 1726 is attributed to Joseph Besse. It appeared but eight years after Penn's death, and has been the groundwork of nearly everything which has since been written concerning him. The *Memoirs of the Private and Public Life of William Penn*, by Thomas Clarkson,[4] was for many years the standard Life. Later evidence has shown that in some particulars the author erred; but it is generally accurate. It however treats more of William Penn the Quaker than of William Penn the founder of Pennsylvania. The same criticism is applicable to *The Life of William Penn* by Samuel M. Janney.[5] It also is a trustworthy book. All that was in print at the time it was written was used in its preparation, and it is to-day, historically,

return. Neither will the practice under the law of 1658 justify this interpretation. The penalties of the law of 1657 had not been exhausted in the cases of Mary Dyer, William Robinson, Marmaduke Stevenson, and William Ledera, when they were hanged.

[1] See *Memoirs of Long Island Historical Society*, vol. i.

[2] London, 1726, 2 vols., folio; London, 1771, 1 vol., royal folio; London, 1782, 5 vols., 8vo; London, 1825, 3 vols., 8vo.

[3] A list of the most important of these, with references to where they will be found, is printed in *Pennsylvania Magazine of History*, vi. 368.

[4] London, 1813, 2 vols.; Dover, N. H., 1820; new edition, with preface by Forster, 1849. It is reviewed by Jeffrey in *Edinburgh Review*, xxi. 444.

[5] Philadelphia, 1852; cf. Sabin's *Dictionary*, vol. ix. p. 221. Mr. Janney was appointed Indian Agent by President Grant, 1869. He died April 30, 1880.

the best work on the subject. It contains more of his letters regarding the settlement of Pennsylvania than any other work we know of, and they are given in full. The "Life of William Penn," by George E. Ellis, D.D., in Sparks's *American Biography*, second series, vol. xii., is an important and spirited production, the result of careful thought and study.

William Penn: an Historical Biography,[1] by William Hepworth Dixon, is probably the most popular account that has appeared. Its style is agreeable, and it is full of interesting facts picturesquely grouped. In some cases, however, the authorities quoted do not support the inferences which have been drawn from them, and the historical value of the book has been sacrificed in order to add to its attractiveness. Those chapters which speak of the interest taken by Algernon Sidney in the formation of the constitution of Pennsylvania are clearly erroneous. These views are based on the part which Penn took in Sidney's return to Parliament, and in a letter of Penn to Sidney, Oct. 13, 1681. Without this last, the argument falls. No reference is given to where the letter will be found. It was first printed as addressed to Algernon Sidney, in vol. iii. part i. p. 285 of the *Memoirs of the Historical Society of Pennsylvania*. In vol. iv. ibid. (part i. pp. 167–212) other letters of Penn are printed, one of which is addressed to Henry Sidney, the brother of Algernon. To this a note is appended, stating that the letter in the former volume was undoubtedly written to the same person. As Mr. Dixon used extracts from these letters, it was, to say the least, unfortunate that he should have overlooked the importance of the note. *La Vie de Guillaume Penn*,[2] par J. Marsillac, is a meritorious compilation, but its chief interest centres around its author, who styles himself "Député extraordinaire des Amis de France à l' Assemblée Nationale, etc." He was of noble birth, and an officer in the French army. He joined the Friends in 1778. Being convinced of the unlawfulness of war by the arguments in Barclay's *Apology*, he determined "to change his condition of a destroyer to that of a preserver of mankind," and studied medicine. During the French Revolution he took refuge in America, and resided in Philadelphia. He afterward returned to France, "and threw off at the same time the garb and profession of a Friend. He devoted himself in Paris to the practice of his profession, and obtained under Napoleon a situation in one of the French hospitals."

Chapters in Janney's *Life of Penn* and in Dixon's *Biography* are devoted to a refutation of the charges of worldliness and insincerity brought against Penn by Macaulay in his *History of England*. We append below the titles of other publications of the same character, as well as of additional works which can be consulted with profit by students of his life.[3] The *Penn Papers*, or manuscripts in the possession of the Historical Society

[1] London, 1851; again, 1856. It is reviewed in the *Edinburgh Review*, xciv. 229, and *Christian Observer*, li. 818.

[2] Two vols., 1791. It is of some interest to note another French life by C. Vincent, Paris, 1877, and a Dutch life by H. van Lil, Amsterdam, 1820–25, 2 vols.

[3] 1. ANSWERS TO MACAULAY. — *Defence of William Penn from Charges, etc., of T. B. Macaulay*, by Henry Fairbairn. Philadelphia, 1849, 8vo, 38 pp.

2. *William Penn and T. B. Macaulay*, by W. E. Forster. Revised for the American edition by the author. Philadelphia, 1850, 8vo, 48 pp. This first appeared as an Introduction to an edition of Clarkson's *Life of W. Penn*, London, 1850.

3. *William Penn*, par L. Vullieum. Paris, 1855, 8vo, 83 pp.

4. *Inquiry into the Evidence relating to the Charges brought by Lord Macaulay against W. Penn*, by John Paget. Edinburgh, 1858, 12mo, 138 pp. Cf. also *Westminster Review*, liv. 117; and *Eclectic Magazine*, xxiii. 115; xxxix. 120. Sabin's *Dictionary*, 49,743.

ADDITIONAL WORKS. — *Memorials of the Life and Times of* [Admiral] *Sir W. Penn*, by Granville Penn. London, 1833, 2 vols. 8vo. Cf. also P. S. P. Conner's *Sir William Penn*, Philadelphia, 1876, and "The Father of Penn not a Baptist," in *Historical Magazine*, xvi. 228.

"The Private Life and Domestic Habits of W. Penn," by Joshua F. Fisher, in the *Memoirs of the Historical Society of Pennsylvania*, vol. iii. part ii. p. 65 (1836); published also separately.

"Memoir of Part of the Life of W. Penn," by Mr. Lawton, a contemporaneous writer, in Ibid., p. 213.

"Fragments of an Apology for Himself," by W. Penn, in Ibid., p. 233.

"Penn and Logan Correspondence." Edited by Edward Armstrong, in vols. ix. and x. of *Mem-*

of Pennsylvania, relate chiefly to the history of the province while under the governorship of Penn's descendants. There are, however, in the collection some papers of personal interest in relation to Penn, and some of his controversial writings and documents connected with the history of the province at the time of its settlement. The history of this collection presents another instance of the perils to which manuscripts are exposed. After having been preserved for a number of years by one branch of the Penn family with comparative care, subject only to the depredations of time, they were sold to a paper-maker, through whose discrimination they were preserved. They were catalogued and offered for sale by Edward G. Allen and James Coleman, of London, in 1870.[1] The collections were purchased by the Historical Society of Pennsylvania, but not until some papers had been obtained by persons more favorably situated. The general interest of the whole, however, was but little lessened by this misfortune. From 1700 until the Revolution the series is remarkably complete, and there are but few incidents in the colonial history of Pennsylvania that cannot be elucidated by its examination. A portion of the papers (about twenty thousand documents) have been bound and arranged, and fill nearly seventy-five folio volumes.[2]

General Histories of Pennsylvania. — The first historian of Pennsylvania was Samuel Smith, author of the well-known *History of New Jersey;* but his work up to the present time has not appeared in a complete form. It is a history of the Society of Friends, or Quakers, in New Jersey and Pennsylvania. Smith's manuscripts are in the Library of the New Jersey Historical Society. What appears to be a duplicate of the Pennsylvania portion is in that of the Historical Society of Pennsylvania. Hazard printed the latter in his *Register of Pennsylvania*, vols. vi. and vii.[3]

oirs of the Historical Society of Pennsylvania. These volumes cover only the years between 1700 and 1711; they also contain Mr. J. J. Smith's Memoir of the Penn Family, reprinted in *Lippincott's Magazine*, v. 149. Cf. *Magazine of American History*, ii. 437; also James Coleman's *Pedigree and General Notes of the Penn Family*, 1871.

"William Penn's Travels in Holland and Germany," by Oswald Seidensticker. See *Pennsylvania Magazine of History*, ii. 237. Penn's journal of these travels will be found in his collected works.

The Penns and the Penningtons, and *The Fells of Swarthmore Hall*, by Maria Webb, are two interesting books throwing light on the Quaker society in which Penn moved.

Calvert and Penn; or, the Growth of Civil and Religious Liberty in America, by Brantz Mayer. Delivered before the Historical Society of Pennsylvania, April 8, 1852. Baltimore, 1852, 8vo, 49 pp.

John Stoughton's *William Penn, the Founder of Pennsylvania.* London, 1882. This book, called out by the Bi-Centenary of Pennsylvania, is founded on the standard Lives, but adds some new matter.

[1] Coleman, James, bookseller. *Catalogue of Original Deeds, Charters, Copies of Royal Grants, petitions, Original Letters, etc., of William Penn and his Family.* July, 1870. Also Supplement. London, 1870, 8vo, 32, 12 pp.

Also see *The Penn Papers. Description of a large Collection of Original Letters, Manuscript Documents, Charters, Grants, Printed Papers, rare Books and Pamphlets relating to the Celebrated William Penn, to the early History of Pennsylvania, and incidentally to other parts of America, dating from the latter part of the 17th to the end of the 18th century, lately in the possession of a surviving descendant of William Penn, now the property of Edward G. Allen.* London, 1870.

Also see *Original Deeds and Charters, State and Boundary Documents, Letters, Maps, and Charts, also Books and Papers relating to America, the Penn Family, and the Quakers, many of them from the Penn Library.* July, 1876. London, 1876, 8vo, 24 pp.

[2] The published address delivered upon their presentation to the Historical Society is entitled *Proceedings of the Historical Society of Pennsylvania on the Presentation of the Penn Papers, and Address of Craig Biddle*, March 10, 1873, Philadelphia, 1873, 8vo, 30 pp. Cf. *Catalogue of Paintings, etc., belonging to the Pennsylvania Historical Society*, no. 177.

[3] Mr. Whitehead informs me that the papers in the Library of the New Jersey Historical Society consist of 17 parts (no. 10 missing), and are called, "The History of the Colonies of New Jersey and Pennsylvania in America. From the time of their first discovery to the year 1721. Together with an Appendix containing several occurrences that have happened since, down to the present time. Undertaken at the desire of the Yearly Meeting of the people called Quakers, of the said Colonies,

Robert Proud's *History of Pennsylvania*[1] has long enjoyed a high reputation, but no more so than its merits entitle it to. For years it was the only history of the State. In its preparation the manuscript of Smith's *History* was used, and in it extracts are given from pamphlets that have since been printed in full. Nevertheless, there is much in it that cannot be found elsewhere. Passages are quoted from letters of Penn which have never been printed entire, and the notes regarding the early settlers are of especial value. The care taken in the preparation of the book is so evident that its statements can as a rule be accepted. The author, a native of England, was a teacher of the classics in the Friends' School, Philadelphia.[2]

Professor Ebeling's volume on Pennsylvania in his *Erdbeschreibung und Geschichte von America*, Hamburg, 1793–1799, in five volumes, is another valuable contribution. Portions of it, translated by Duponceau, will be found in Hazard's *Register of Pennsylvania*, i. 340, 353, 369, 385, 401.

Thomas F. Gordon's *History of Pennsylvania*[3] gives the history of the colony down to the Declaration of Independence. That part which treats of the eighteenth century does so more fully than any other work. It has never enjoyed much popularity. Its style is labored. The author was one who thought that "the names of the first settlers are interesting to us only because they were first settlers," and that nothing could attract the public in men "whose chief, and perhaps sole, merit consisted in the due fulfilment of the duties of private life." There is a tone of antagonism to Penn in some parts of the book which lacks the spirit of impartiality. It was reviewed by Job R. Tyson. See "Examination of the Various Charges brought by Historians against William Penn," etc., — *Memoirs of the Historical Society of Pennsylvania*, vol. ii. part ii. p. 127.

The second volume of Bowden's *History of Friends in America*[4] is the best Quaker history of Pennsylvania that has appeared.

Sherman Day's *Historical Collections* (1843) and *An Illustrated History of the Commonwealth of Pennsylvania*,[5] by William H. Egle, M.D., both give the history of the State down to the time of their respective publications. In them the histories of the counties are treated in separate chapters, general histories of the State being given by way of introductions, — that by Dr. Egle being very full.

The Historical Review of the Constitution and Government of Pennsylvania, from its Origin, which is attributed to Franklin, belongs properly to a later period of the history of the province than we are now considering, and, as it was written to serve a political purpose, has but slight historical claims. In it, however, the attempt is made to trace some

and published by their order. By ———. Psal. cv. 12. 13. 14, when they were but a few, etc." Several of the passages, marked "Transfer to History of Friends," correspond to the Philadelphia manuscript, which is apparently the portion designated as the second part in the author's scheme, as thus detailed by himself in the New Jersey manuscript: "The History of the Province of Pennsylvania in two parts. Part I. The time and manner of the grants of territories, the arrival of settlers, a general view of the original state of the country and of the public proceedings in legislation, and other matters for the first forty years after the settlement made under William Penn. Part II. The introduction and some account of the religious progress of the people called Quakers therein, including the like account respecting the same people in New Jersey as constituting one Yearly Meeting."

[1] *The History of Pennsylvania in North America, from . . . 1681 till after the year 1742, with an Introduction respecting the Life of W. Penn, . . . the Religious Society of the People called Quakers, with the First Rise . . . of West New Jersey, and . . . the Dutch and Swedes in Delaware; to which is added a Brief Description of the said Province*, 1760–1770. Philadelphia, 1797–1798.

[2] A biographical notice of him by the Rev. Charles West Thomson will be found in vol. i. of the *Memoirs of the Historical Society of Pennsylvania* (2d ed. p. 417), together with some verses which show the sympathies of a Loyalist. He was born in 1728, and died in 1813. A portrait after a pencil sketch is noted in the *Catalogue of Paintings, etc., belonging to the Pennsylvania Historical Society*, no. 86.

[3] Philadelphia, 1829.

[4] London, 1854; vol. i. appearing in 1850. The work was never completed.

[5] Harrisburg, 1876; 2d ed., Philadelphia, 1880.

of the alleged abuses of power back to the foundation of the colony. It was published in London in 1759, and is included by both Duane and Sparks in their editions of Franklin's writings.

Bancroft's chapters on the Quakers in the United States and on Pennsylvania are excellent. Grahame's *Colonial History of the United States* is less flattering in the estimate given of Penn and his followers, although far from unappreciative of their efforts. Burke's *Account of the European Settlements in America* [1] gives nothing that is new in connection with the settlement of Pennsylvania; but the opinions of its distinguished author in regard to William Penn as a legislator will be read with pleasure by Penn's admirers. The remarks on the settlement of Pennsylvania in Wynne's *General History of the British Empire in America*,[2] are copied bodily from Burke; but no quotation marks are given, and nothing indicates their origin. Douglass's *Summary* gives nothing on the subject that will not be found in the charter and a few documents of similar character. From William M. Cornell's *History of Pennsylvania*, 1876, nothing new will be gathered regarding the settlement of the province. It is a mere compilation, in which Weems's *Life of Penn* is quoted as an authority.

Local Histories. — It is only in the history of the counties first settled that information on the period treated of in this chapter can be sought. John F. Watson's *Annals of Philadelphia* [3] is one of the chief authorities. The plan of the work is not one that can be approved of at the present day, as sufficient care has not been taken in all cases to follow the original language of documents quoted, or to give references to authorities. Nevertheless, it is doubtful if any work in America has done more to cultivate a taste for historical study. There is a charm about its gossipy pages which has attracted to it thousands of readers, and provoked more serious investigations. It contains much regarding the domestic life of the first settlers and the building of Philadelphia which has been universally accepted, and many traditions gathered from old persons which there is no reason to question. The most important History of Philadelphia is that by Mr. Thompson Westcott, now printing in the columns of the *Sunday Despatch*. Eight hundred and ten chapters have appeared up to the present time. It is an encyclopædia on the subject. Some of the early chapters treat of the period under review. *A History of the Townships of Byberry and Moreland, in Philadelphia County*, by Joseph C. Martindale, M.D.,[4] treats largely of the earliest settlers in that section of the State. The present Montgomery County is formed of a portion of the original County of Philadelphia, and the history of some of its sections treats of the settlement of the colony. For such information, see *History of Montgomery County, within Schuylkill Valley*,[5] by William J. Buck. Mr. Buck prepared also the Historical Introduction to Scott's *Atlas of Montgomery County*, Philadelphia, 1877. The *History of Delaware County*, by George Smith, M.D.,[6] is by far the best county history of Pennsylvania yet published. It is thoroughly trustworthy, and treats fully of the settlement of the county. Extracts from the records

[1] London, 1757, 2 vols., 8vo.

[2] London, 1770, 2 vols., 8vo.

[3] [This book has passed through several editions, — 1830, with lithographic illustrations; 1844, 1850, 1857, and 1868, with woodcuts. A tribute to Mr. Watson (who was born June 13, 1779, and died Dec. 23, 1861), by Charles Deane, is in *Mass. Hist. Soc. Proc.*, v. 207; and Benjamin Dorr published *A Memoir of John Fanning Watson*, Philadelphia, 1861, with a portrait. Mr. Willis P. Hazard's *Annals of Philadelphia*, 1879, supplements Mr. Watson's book. The local antiquarian interest will be abundantly satisfied with Mr. Townsend Ward's papers on the old landmarks of the town, which have appeared in the *Pennsylvania Magazine of History*, though much in them necessarily fails of association with the early years with which we are dealing. This is likewise true of Thompson Westcott's *Historic Buildings of Philadelphia*, 1877; cf. the papers on old Philadelphia in *Harper's Monthly*, 1876; cf. *An Explanation of the Map of the City and Liberties of Philadelphia*. By John Reed. Philadelphia, 1794 and 1846. — Ed.]

[4] Philadelphia, 1867, 12mo, 379 pp.

[5] Norristown, 1859.

[6] Philadelphia, 1862. See Memoir of Dr. Smith in *Pennsylvania Mag. of Hist.*, vi. 182.

of Markham's court are given in it. *Chester and its Vicinity, Delaware County, Pennsylvania*,[1] by John Hill Martin, is a meritorious work.

The history of Bucks County has been twice written; first by William J. Buck, in 1855. His investigations were contributed to a county paper, and were subsequently published in a volume of one hundred and eighteen pages, to which was appended a *History of the Township of Wrightstown*, by Charles W. Smith, M.D., contained in twenty-four pages. A later *History of Bucks County*,[2] is that by General W. W. H. Davis, an excellent work.

The *History of Chester County, Pennsylvania*,[3] by J. Smith Futhey and Gilbert Cope, is a work of merit, being the production of two thorough students, deeply imbued with the love of their subject. The historical and genealogical portions of it are written with care and judgment. It contains extracts from the records of the first courts held in Pennsylvania.

Constitutional History. — Hazard's *Annals of Pennsylvania*,[4] 1609–1682, *Votes of the Assembly*,[5] vol. i., *Colonial Records*,[6] vol. i., *Pennsylvania Archives*,[7] vol. i., and *Duke of York's Laws*[8] are the chief collections of documents relating to the constitutional

[1] Philadelphia, 1877.

[2] Doylestown, Pa., 1876, 8vo, 875+54 pp.

[3] It is unfortunate that a book of such merit should have been given to the public in so objectionable a form. It is a 4to, 782+44 pages (Philadelphia, 1881), profusely illustrated with pictures calculated to gratify the vanity of living persons and to mislead students as to the value of the work.

[4] *Annals of Pennsylvania, from the Discovery of the Delaware*, by Samuel Hazard, 1609–1682, Philadelphia, 1850, 8vo, 664 pp. An excellent compilation, containing nearly all the documentary information on the subject, arranged in chronological order.

A catalogue of the papers relating to Pennsylvania and Delaware in the State-Paper Office, London, was printed in the *Memoirs of the Pennsylvania Historical Society*, vol. iv. part ii. p. 236.

[5] *Votes and Proceedings of the House of Representatives of the Province of Pennsylvania. Beginning the Fourth Day of December*, 1682. Volume the First, in Two Parts. Philadelphia, 1752. This collection was continued down to the Revolution. It is contained in six folio volumes. The first three are from the press of Franklin and Hall. They are always known as "Votes of the Assembly."

[6] The first ten volumes of the series known as the *Colonial Records* bear the title of *Minutes of the Provincial Council of Pennsylvania, from the Organization* [1683] *to the Termination of the Proprietary Government;* the last six: *Minutes of the Supreme Executive Council of Pennsylvania from its Organization to the Termination of the Revolution.* They contain, however, the Minutes down to 1790. The publication of this series was begun by the State in 1837, the American Philosophical Society and the Historical Society of Pennsylvania having petitioned the Legislature to adopt measures for this end. After three volumes were issued (Harrisburg, 1838–1840) the publication was suspended. In 1851, at the request of the Historical Society, the matter was again brought before the Legislature by Edward Armstrong, Esq., a member of the Society, then a delegate to the Legislature. The sixteen volumes of the *Colonial Records* and twelve of the *Pennsylvania Archives* were issued between the years 1852 and 1856. The volumes issued in 1838–1840 were reprinted in 1852, and an index volume to both works in 1860. The latter does not apply to the volume of the Records published in 1838–1840.

[7] *Pennsylvania Archives, selected and arranged from Original Documents in the Office of the Secretary of the Commonwealth.* By Samuel Hazard, Commencing 1664. 12 vols., 8vo. Harrisburg and Philadelphia, 1852–1856. To Mr. Samuel Hazard, who was also the author of the *Annals of Pennsylvania* and publisher of *Hazard's Register of Pennsylvania* (16 vols., 8vo, Philadelphia, 1828–1835), the students of history are greatly indebted for the preservation of some of the most important documents relating to the history of the State.

[8] *Charter to William Penn and Laws of the Province of Pennsylvania*, 1682 *and* 1700; *preceded by Duke of York's Laws in Force from the year* 1676 *to the year* 1682. *Published under the direction of John Blair Linn, Sec. of Commonwealth, Compiled and edited by Staughton George, Benjamin M. Nead, and Thomas McCamant.* Harrisburg, 1879, 8vo, 614 pp.

Appendix A of this volume contains a compilation of the laws, etc., establishing the Courts of Judicature; it is by Staughton George. Appendix B contains Historical Notes of the Early Government and Legislative Councils and Assemblies of Pennsylvania; it is by Mr. Nead. Both

history of the colony. The correspondence which preceded the issuing of the royal charter, together with the Proceedings of the Lords of Trade, etc., is in the *Votes of the Assembly*, vol. i. pp. vii–xiii; the same will be found in chronological order in Hazard's *Annals*. The royal charter is given in *Votes of Assembly*, vol. i. p. xviii; Hazard's *Annals*, p. 488; *Colonial Records*, vol. i. (1st ed.) p. ix, (2d ed.) p. 17; Hazard's *Register*, i. 293. A facsimile of the engrossed copy at Harrisburg is also given as an Appendix to vol. vii., second series, of *Pennsylvania Archives*, and is in the *Duke of York's Laws* in the same form, as well as being printed in that volume on page 81. The paper known as "Certain Conditions or Concessions," agreed upon in England between the purchasers of land and Penn, July 11, 1681, will be found in Hazard's *Annals*, p. 516, *Colonial Records*, vol. i. (1st ed.), p. xvii (2d ed.), p. 26, *Votes of Assembly*, vol. i. p. xxiv, and Proud's *Pennsylvania*, vol. ii. Appendix Penn's instructions to his commissioners — Crispin, Bezar, and Allen — are printed in Hazard's *Annals*, p. 527. The original paper is in the possession of the Historical Society of Pennsylvania. His instructions to his fourth commissioner, William Haige, are in Hazard's *Annals of Pennsylvania*, p. 637. The Frame of Government and laws agreed upon in England May 5, 1682, were printed at the time. They are also given in Hazard's *Annals*, p. 558, *Colonial Records*, vol. i. (1st ed.) p. xxi (2d ed.) p. 29, *Votes of the Assembly*, vol. i. p. xxvii *Duke of York's Laws*, p. 91, and Proud's *Pennsylvania*, vol. ii. Appendix. There are a number of rough drafts of the Frame of Government, etc., in the *Penn Papers* of the Historical Society. One of these is indorsed as the work of Counsellor Bamfield; another bears the name of C. Darnall. Oldmixon says (edition of 1708) that "the Frame" was the work of "Sir William Jones and other famous men of the Long Robe." Penn's letter to Henry Sidney (Oct. 13, 1681) shows that Sidney was consulted regarding it; and Chalmers says (on the authority of Markham), that portions of it were formed to suit the Quakers.

The Frame of Government, passed in 1683, will be found in *Votes of the Assembly*, vol. i. part i., Appendix 1, *Colonial Records*, vol i. (1st ed.) xxxiv, and (2d ed.) p. 42; *Duke of York's Laws*, p. 155; Proud's *Pennsylvania*, vol. ii. Appendix 3. There was an edition of it printed in 1689 at Philadelphia, entitled *The Frame of the Government of the Province of Pennsilvania and Territories thereunto annexed in America*, 8vo, 16 pp. But one copy of this edition is known to have been preserved, — it is in the Friends' Library in Philadelphia. It has no titlepage or printer's name; but there can be no doubt that it is from the press of William Bradford; and it was for printing this that Bradford

THE SEAL OF PENNSYLVANIA.

are valuable pieces of work; but we do not agree with Mr. Nead that the laws printed and agreed upon in England, and the written ones prepared by Penn and submitted to the Assembly that met at Upland, December, 1682, were both passed. The passage in Penn's letter of Dec. 16, 1682, which reads, "the laws were agreed upon more fully worded," indicates that the printed series was superseded by the written one.

was summoned before the Council by Governor Blackwell, on the 19th of April, 1689. Sabin gives an edition printed in London in 1691, by Andrew Sowle. Cf. Sabin's *Dictionary*, no. 59,697; also, *Collection of Charters, etc., relating to Pennsylvania*, Philadelphia (B. Franklin), 1740.

LITERATURE RELATING TO THE LAWS OF THE PROVINCE. — Under this head may be classed various works, the titles of which as a rule indicate their characters, and we note them below.[1]

LANDING OF PENN. — In 1824 a society was formed in Philadelphia for the commemoration of the landing of William Penn. Its first meeting was held November 4, in the house in which he had once lived, in Lètitia Court. An address was delivered by Peter S. Duponceau, and the eighteen members of the Society dined together. In selecting the day to be celebrated, the Society was guided by the passage in Penn's letter to the Lords of Plantation, dated August, 1683, in which he states that he arrived on "the 24th of October last." Ten days should have been added to this date to correct the error in computing time by the Julian calendar, which was in vogue when Penn landed, and November 3 should have been considered the anniversary. Through an erroneous idea of the way in which such changes should be calculated, eleven days were added, and November 4 was fixed upon. The next year, however, the Society celebrated the 24th of October, and continued to do so until 1836, the last year that we are able to trace the existence of the organization.[2] Subsequent investigations have shown that Penn did not arrive before Newcastle until October 27 (see Newcastle Court Records in Hazard's *Annals of Pennsylvania*, p. 596), and did not land until the following day.[3] It is probable, therefore, that Penn dated his arrival from the time he came in sight of land or passed the Capes of Delaware. The first evidences we have of his being within the bounds of the present

[1] *Laws of Pennsylvania.* Philadelphia, 1810 (Beoren's edition). The second volume of this edition contains an elaborate "note" on land-titles; it will be found on pp. 105–261. It was prepared by Judge Charles Smith.

View of the Land-Laws of Pennsylvania, with Notes of its Early History and Legislation. By Thomas Sargeant. Philadelphia, 1838, 8vo, xiii +203 pp.

Address before the Law Academy. By Peter McCall. Philadelphia, 1838. A valuable historical essay.

Essay on the History and Nature of Original Titles of Land in Pennsylvania. By Charles Huston. Philadelphia, 1849, 8vo, xx+484 pp.

Syllabus of Law of Land-Office Titles in Pennsylvania. By Joel Jones. Philadelphia, 1850, 12mo, xxiv+264.

The Common Law of Pennsylvania. By George Sharswood. A lecture before the Law Academy. Philadelphia, 1856.

Equity in Pennsylvania. A lecture before the Law Academy of Philadelphia, Feb. 11, 1868. By William Henry Rawle. With an Appendix, being the *Register Book of Governor Keith's Court of Chancery.* Philadelphia, 1868, 8vo, 93+46 pp.

A Practical Treatise on the Law of Ground-Rents in Pennsylvania. By Richard M. Cadwalader. Philadelphia, 1879, 8vo, 356 pp.

An Essay on Original Land-Titles in Philadelphia. By Lawrence Lewis, Jr. Philadelphia, 1880, 8vo, 266 pp.

The Courts of Pennsylvania in the Seventeenth Century. Read before the Historical Society of Pennsylvania, March 14, 1881. By Lawrence Lewis, Jr. See *Pennsylvania Magazine of History*, v. 141, also, separately.

Some Contrasts in the Growth of Pennsylvania and English Law. A Lecture before the Law Department of the University of Pennsylvania, Oct. 3, 1881. By William Henry Rawle. Philadelphia, 1881, 8vo, 78 pp., 2d ed., 32 pp., 1882.

[2] A number of addresses were delivered before this Society. That of J. N. Barker, delivered in 1827, is the most valuable of the series, and is entitled *Sketches of the Primitive Settlements of the River Delaware*, Philadelphia, 1828.

[3] That no doubt should exist regarding the accuracy of these dates, we have had Penn's letter to the Lords of Plantation in the State-Paper Office, London, examined, and in it the 24th is clearly written. This is confirmed by the original draft of his letter to the Free Society of Traders, in which the same date of arrival is given. The "New Castle County old Records transcribed," quoted by Hazard, give the 27th as the time of his arrival before that town, and the 28th as the day on which he took official possession. These statements are verified by the Breviate of Penn *vs.* Lord Baltimore, in which the original Newcastle Records appear to have been quoted, since the volumes and folios referred to differ from those given by Hazard.

State of Pennsylvania are letters dated Upland, October 29, and this day, allowing ten days for the change of time, bringing it to November 8, is the one that it is customary to celebrate.

Nov. 8, 1851, Edward Armstrong delivered before the Historical Society of Pennsylvania, at Chester, an able address, which contains nearly all that is known regarding the landing of Penn. In it will be found the names of his fellow-passengers in the "Welcome;" but a more extended list by the same writer is given in the Appendix to the 2d ed., *Memoirs of Historical Society of Pennsylvania*, vol. i. In 1852 an address was also delivered on the same anniversary before the Historical Society by Robert T. Conrad.

Penn's Treaty with the Indians. — This was the subject of a report made to the Historical Society of Pennsylvania by Peter S. Duponceau and J. Francis Fisher. It will be found in *Memoirs of Historical Society*, vol. iii. part ii. p. 141. In it the opinion is expressed that the treaty which tradition says Penn held with the Indians at Shackamaxon was not one for the purchase of land, but was a treaty of amity and friendship, and was held in November, 1682. This report has been followed by historians generally, and has been accepted by nearly all the biographers of Penn. The subject, however, is one that will bear further investigation. The writer of this chapter published in the *Pennsylvania Magazine of History*, vi. 217, an article to show that the treaty which has attracted so much attention was that described in Penn's *Letter to the Free Society of Traders*, dated August 16, 1683; that it was held on June 23 of that year; that not only "great promises of friendship" passed between Penn and the Indians, but that land was purchased, the records of which are in the Land Office at Harrisburg.[1] In connection with this subject, Mr. John F. Watson's paper on the "Indian Treaty for Lands now the Site of Philadelphia" (see *Memoirs of Historical Society of Pennsylvania*, vol. iii. part ii. p. 129) should be read, as well as "Memoir of the Locality of the Great Treaty between William Penn and the Indians," by Roberts Vaux (see Ibid., i. 79; 2d ed., p. 87). The proceedings of the Historical Society upon the occasion of the presentation to it of a belt of wampum by Granville John Penn, which is said to have been given to William Penn by the Indians at the treaty at Shackamaxon,[2] will be found in *Memoirs of Historical Society of Pennsylvania*, vi. 205, with a large colored lithograph of the belt. Cf. *Historical Magazine*, i. 177, and Gay's *Popular History of the United States*, ii. 498.

Penn-Baltimore Controversy, and the Southern Boundary of Pennsylvania. — In the "Penn Papers" in the Library of the Historical Society of Pennsyl-

[1] This conclusion has been reached by examining the evidence we have in strict chronological order. There is nothing to show that Penn met the Indians in council until May, 1683. At this conference the Indians either failed to understand him, or refused to sell him land. His next meeting with them was on June 23, 1683. He then purchased land from them, and the promises of friendship quoted on a former page were exchanged. It is a significant fact that while there is scarcely any allusion to the Indians in his letters prior to the meeting of June 23, subsequent to that time they are full of descriptions of them, and of accounts of his intercourse with them.

[2] [The elm-tree known as the Treaty-tree which was long venerated as the one under which the interview was held, was blown down in 1810, and a picture of it taken in 1809 is preserved in the Historical Society. (Cf. *Catalogue of Paintings, etc., belonging to the Historical Society*, no. 167. Cf. views in Gay's *Popular History of the United States*, ii. 493; Watson's *Annals of Philadelphia;* one of the latter part of the last century in *Pennsylvania Magazine of History*, iv. 186.) For the monument on the spot, see Lossing's *Field Book of the Revolution*, ii. 254. It is well known that Benjamin West made the scene of the treaty the subject of a large historical painting. The original first deed given by the Indians to Markham is in the possession of the Historical Society. Cf. *Catalogue of Paintings, etc., belonging to the Historical Society*, no. 174.

William Rawle's address before the Pennsylvania Historical Society in 1825 was upon Penn's method of dealing with the Indians as compared with the customs obtaining in the other colonies. (Cf. *Historical Magazine*, vi. 64.) Fac-similes of the marks of many Indian chiefs, as put to documents from 1682 to 1785, are given in *Pennsylvania Archives*, vol. i. — Ed.]

vania there are several volumes of documents bearing upon this subject, being the copies of those used in the suit between Lord Baltimore and John Thomas and Richard Penn, decided in 1750. Interesting papers are in the State-Paper Office, London, giving accounts of the meetings between Baltimore and Markham and Penn and Baltimore in 1682 and 1683. Copies are in the Library of the Historical Society of Pennsylvania, and will shortly be printed. The following printed volumes and essays treat of the subject: [1]

The Case of William Penn, Esq., as to the Proprietory Government of Pennsylvania; which, together with Carolina, New York, etc., is intended to be taken away by a bill in Parliament. (London, 1685.) Folio, 1 leaf. Cf. Sabin's *Dictionary*, no. 59,686.

The Case of William Penn, Proprietary and Governor-in-Chief of the Province of Pennsylvania and Territories, against the Lord Baltimore's Pretentions to a Tract of Land in America, Granted to the said William Penn in the year 1682, *by his then Royal Highness James Duke of York, adjoyning to the said Province, commonly called the Territories thereof.* (n. p. 1682 to 1720.) Folio, 1 leaf. Cf. Sabin's *Dictionary*, no. 59,688.

The Case of Hannah Penn, the Widow and Executrix of William Penn, Esq., late Proprietor and Governor of Pennsylvania (against the pretensions of Lord Sutherland, London, 1720). Folio, 1 leaf. Cf. Sabin's *Dictionary*, no. 59,672.

Articles of Agreement made and concluded upon between the Right Honourable the Lord Proprietary of Maryland and the Honourable the Proprietary of Pennsylvania, etc., touching the Limits and Boundaries of the Two Provinces, with the Commission constituting certain Persons to execute the Same. Philadelphia (B. Franklin), 1733, folio, 19 pp. and map. In the Library of the Historical Society of Pennsylvania.

Another edition was issued from same press in 1736, with the Report of the Commissioners. Cf. C. R. Hildeburn's *List of the Issues of the Press in Pennsylvania*, 1685–1759.

The Case of Messieurs Penn and the People of Pennsilvania, and the three lower Counties of Newcastle, Kent, and Sussex on Delaware, in relation to a Series of Injuries and Hostilities made upon them for several Years past by Thomas Cressap and others, by the Direction and Authority of the Deputy-Governor of Maryland (London, 1737). Folio, 8 pp. Cf. Sabin's *Dictionary*, no. 5,985.

Penn against Lord Baltimore. In Chancery. Copy of Minutes on Hearing, May 15, 1750. 8vo, 15 pp. n. t. p. In the Library of the Historical Society of Pennsylvania.

Breviate in the case of Penn vs. *Baltimore.* Cf. also the title, with its two maps, given in Sabin's *Dictionary*, ix. 34,416.

Indenture of Agreement, 4th July, 1760, *Between Lord Baltimore and Thomas and Richard Penn, Esquires, settling the limits and boundaries of Maryland, Pennsylvania, and the Three Lower Counties of Newcastle, Kent, and Sussex.* Philadelphia, 1851, folio, 31 pp. and map. Privately printed for Edward D. Ingraham.

"Memoir of the Controversy between Penn and Lord Baltimore." By James Dunlop (read Nov. 10, 1825), in *Memoirs of Historical Society of Pennsylvania*, i. 161, or 2d ed. p. 163.

Lecture upon the Controversy between Pennsylvania and Virginia about the Boundary Line. By Neville B. Craig. Pittsburgh, 1843, 8vo, 30 pp.

Appendix to Case in the Circuit Court of the United States for the Third Circuit, containing the Pea Patch, or Fort Delaware Case. Reported by John William Wallace. Philadelphia, 1849, 8vo, 161 pp. Cf. U. S. Senate, Exec. doc., no. 21, 30th Congress, 1848.

History of Mason and Dixon's Line. Contained in an address delivered by John H. B. Latrobe before the Historical Society of Pennsylvania, Nov. 8, 1854. Philadelphia, 1855, 8vo, 52 pp.

Colonel Graham's *Report on Mason and Dixon's Line.* Chicago, 1859, 8vo. Cf. Pennsylvania Senate Journal, 1850, ii. 475.

[1] [Cf. also *Pennsylvania Archives*, 2d series, vol. vii. There is a map illustrating the boundary dispute in *Pennsylvania Archives* (1739), i. 595; cf. Neill's *Terra Mariæ*, chap. v., Hazard's *Register of Pennsylvania*, ii. 200, and Mr. Brantly's chapter in the present volume.—Ed.]

Mason and Dixon's Line. By James Veech, 1857.

One of the original manuscript reports of Mason and Dixon, signed by them, is in the possession of the Historical Society of Pennsylvania.

IMMIGRATIONS. — Independent of the Welsh and Germans, no large bodies of emigrants came to Pennsylvania during the first decade of its existence, except from England and some Quakers from Ireland. The prosperity of the new colony attracted settlers from other parts of British America and the West Indies; but nearly all, judging from the religious annals of the community, were either Quakers or in sympathy with them. In studying the Welsh emigration, *John ap Thomas and his Friends: a Contribution to the Early History of Merion, Pa.*, by James J. Levick. M.D., should be read; see *Pennsylvania Magazine of History*, iv. 301. It is a history of the first company which came from Wales, in 1682. The *History of Delaware County* by Dr. George Smith contains much on the subject, with a map of the early settlements; cf. B. H. Smith's *Atlas of Delaware County, with a History of Land-Titles*, Philadelphia, 1880. The agreement entered into between an emigration party from Wales and the captain of a vessel in 1697–1698 will be found in the *Pennsylvania Magazine of History*, i. 330.

The German or Dutch emigration can be studied in *The Settlement of Germantown, and the Causes which led to it*, by Samuel W. Pennypacker; see *Pennsylvania Magazine of History*, iv. 1. It is a thorough examination of the question, showing how the emigrants came from the neighborhood of Crefeld, a city of the Lower Rhine, near Holland. The several publications we have mentioned printed in Dutch and German must also be consulted. *William Penn's Travels in Holland and Germany*, by Professor Oswald Seidensticker, already mentioned (see *Pennsylvania Magazine of History*, ii. 237), shows how naturally the event came about. Professor Seidensticker has also contributed "Pastorius und die Grundung von Germantown" to the *Deutsche Pionier*, vol. iii. pp. 8, 56, 78, and "Francis Daniel Pastorius" to the *Penn Monthly*, vol. iii. pp. 1, 51.

SPECIAL SUBJECTS. — There remain a few monographs worthy of mention.

History of Manners and Customs of the Indian Nations who once inhabited Pennsylvania and the Neighboring States, by the Rev. John Heckewelder, Philadelphia, 1819, 8vo. This work was first published as vol. i. of the *Transactions of the Historical and Literary Committee of the American Philosophical Society*. It was reprinted by the Historical Society of Pennsylvania, with notes by the Rev. William C. Reichel, in 1876, and forms vol. xii. of its *Memoirs*. Opinions regarding this work differ widely. It was favorably reviewed by Nathan Hale in the *North American Review*, ix. 178, and severely criticised by General Lewis Cass in the same publication, xxvi. 366. "A Vindication" of the *History* by William Rawle will be found in the *Memoirs of the Historical Society of Pennsylvania*, i. 258; 2d ed. p. 268. There is a portrait of Heckewelder in the American Philosophical Society, and a copy of it in the Historical Society; see *Catalogue of Paintings, etc., belonging to the Historical Society*, no. 85. As a further contribution to the aboriginal history, we may mention *Notes respecting the Indians of Lancaster County, Pa.*, by William Parker Foulke; see *Memoirs of the Historical Society of Pennsylvania*, vol. iv. part ii. p. 189. This treats largely of the Susquehannocks.

Contributions to the Medical History of Pennsylvania, by Caspar Morris, M.D.; see *Memoirs of the Historical Society of Pennsylvania*, i. 337, or 2d ed., p. 347.

Notices of Negro Slavery as connected with Pennsylvania, by Edward Bittle; see Ibid., i. 351, or 2d ed., p. 365; cf. also Williams's *Negro Race in America*.

Address delivered at the Celebration by the New York Historical Society, May 20, 1863, of the Two Hundredth Birthday of William Bradford, who introduced the Art of Printing into the Middle Colonies, etc., by John William Wallace. Albany, 1863, 8vo, p. 114. Together with the report made by Horatio Gates Jones at the same time. Cf. Thomas I. Wharton's "Notes on the Provincial Literature of Pennsylvania," in the *Memoirs of the Historical Society of Pennsylvania*, i. 99, or 2d ed., p. 107; and J. W. Wallace's paper on

the "Friends' Press" in *Pennsylvania Magazine of History*, iv. 432. The *Brinley Catalogue*, no. 3,367, gives a considerable enumeration of the issues of Bradford's press.

"Historical Sketch of the Lower Dublin (or Pennepek) Baptist Church, Philadelphia," etc., by Horatio Gates Jones, in *Historical Magazine*, August, 1868, p. 76.

"Local Self-Government in Pennsylvania," by E. R. L. Gould, of Johns Hopkins University, in *Pennsylvania Magazine of History*, vi. 156. It is a comparison of present local administration in Pennsylvania with that under the Duke of York's government.

MAPS. — *A Portraiture of the City of Philadelphia, in the Province of Pennsylvania, in America*, by Thomas Holme, Surveyor-General. Sold by John Thornton in the Minories, and Andrew Sowle in Shoreditch, London. 18½ × 11¾ inches.

The original, to which reference has already been made (p. 491), will be found in Penn's *Letter to the Free Society of Traders*, printed in 1683, which also contains a description of Philadelphia, in which the map is referred to. In one of the editions of the Letter to the Free Society a list of the lot-owners in Philadelphia is given, with numbers referring to property marked on the map. This is the earliest map of Pennsylvania. All issued previous to it show the country while under a different dominion.

A Map of the Province of Pennsylvania, containing the three counties of Chester, Philadelphia, and Bucks, as far as yet surveyed and laid out. The divisions or distinctions made by the different coullers respecting the settlements by way of townships. By Thomas Holme, Surveyor-General. Sold by Robert Green, at the Rose and Crown in Budge Row, and by John Thornton at the Platt in the Minories, London.

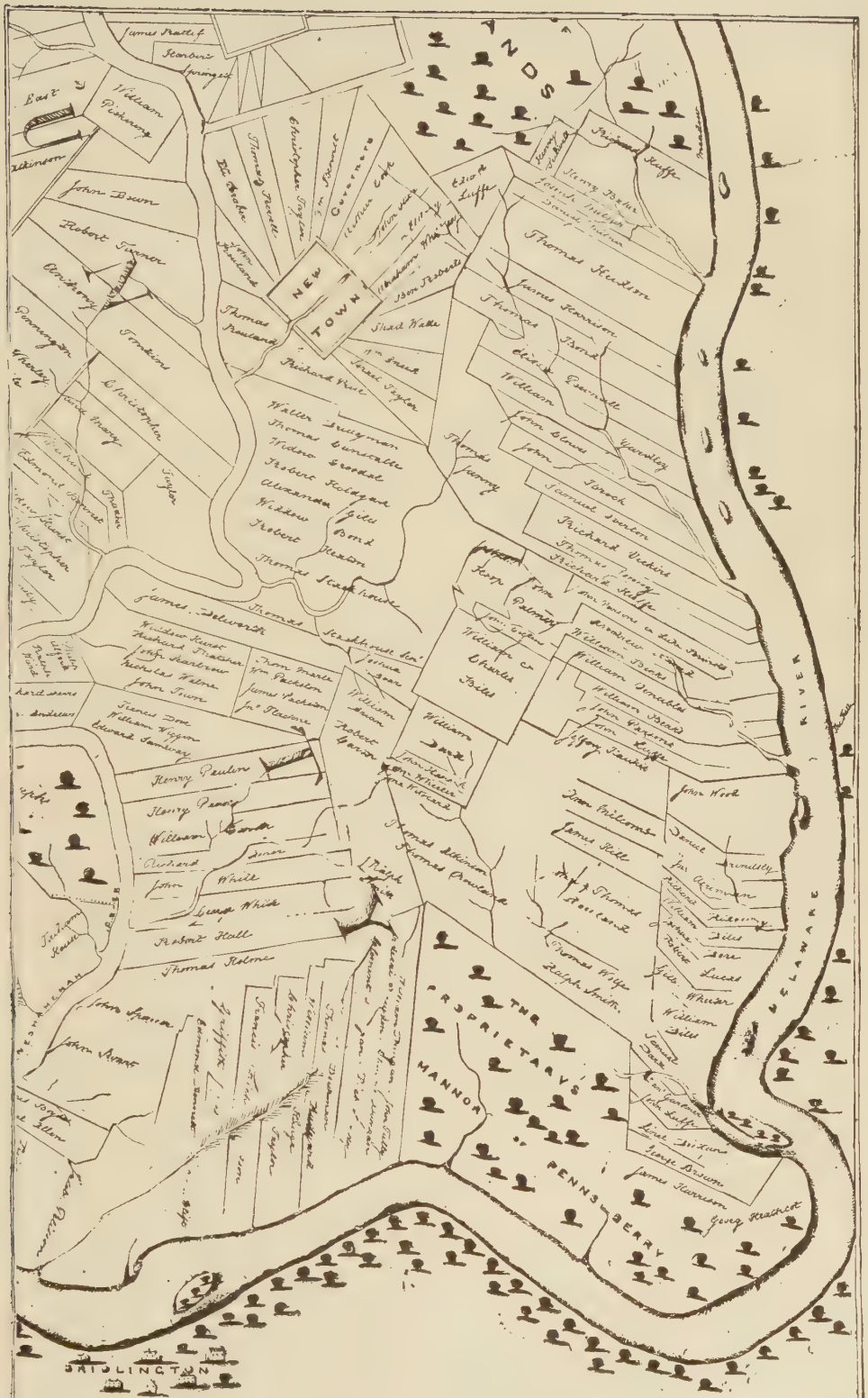
This is the most important of all the early maps issued shortly after 1681. It contains the names of many of the early settlers, and shows Penn's idea of settling the country. In some cases the lots front on a square, which it is presumed was dedicated to public uses. This feature is still noticeable in one or two of the original settlements. It was republished at Philadelphia by Lloyd P. Smith in 1846, and by Charles L. Warner in 1870.

A Mapp of ye Improved parts of Pennsilvania, in America, Divided into Countyes, Townships, and Lotts. Surveyed by Tho. Holme. It is dedicated to William Penn by Jno. Harris, who, it is presumed, was the publisher. It measures 16 × 21½ inches, and is a reduction of the larger map by Holme.

A map to illustrate the successive purchases from the Indians was published by the Historical Society of Pennsylvania in 1875. Cf. Egle's *Pennsylvania*, p. 208.

PENNSYLVANIA HISTORICAL SOCIETY. — [The chief instrumentality in the fostering of historical studies in the State rests with the Pennsylvania Historical Society, which dates from 1824; and in 1826 it printed the first volume of its *Memoirs*, which was, under the editing of Edward Armstrong, reprinted in 1864. The objects of the Society were set forth by William B. Reed in a discourse in 1848; and again at the dedication of its new hall in 1872, Mr. J. W. Wallace delivered an address. Besides its occasional addresses and its *Memoirs*, and the work it has done in prompting the State to the printing of its documentary history, it has also supported the publication of the *Pennsylvania Magazine of History*. — ED.]

F. D. Stone



SECTION OF HOLME'S MAP OF PENNSYLVANIA.

CHAPTER XIII.

THE ENGLISH IN MARYLAND, 1632–1691.

BY WILLIAM T. BRANTLY,
Of the Maryland Historical Society.

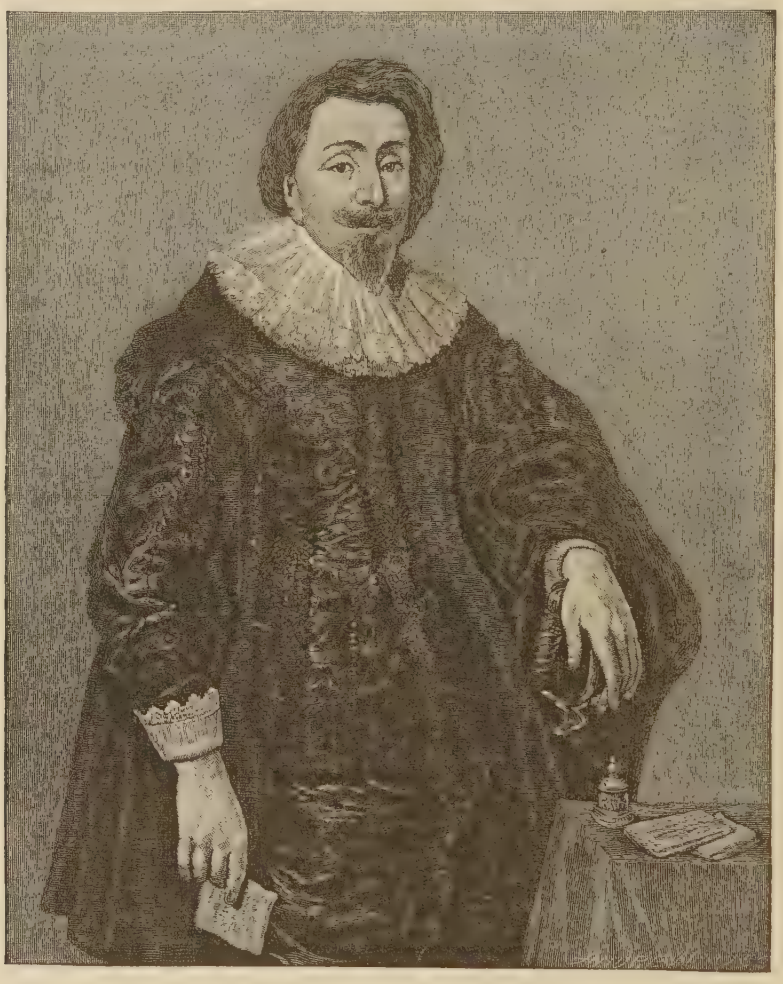
MARYLAND was the first Proprietary colony established in America; and its charter contained a more ample grant of power than was bestowed upon any other English colony. To Maryland also belongs the honor of having been the first government which proclaimed and practised religious toleration. The charter was granted in 1632, by Charles I., to Cecilius, second Lord Baltimore. But the true founder of Maryland was George Calvert, the first Lord Baltimore, a man of singular merit, whose influence upon the fortunes of the colony was such that his character and career belong to its history.

George Calvert was descended from a Flemish family which had long been settled in Yorkshire, where he was born in the year 1582. Graduating Bachelor of Arts at Oxford, he travelled on the Continent, and then entered public life under the patronage of Sir Robert Cecil. Calvert filled various offices until Cecil became Lord High Treasurer, when he was appointed clerk of the Privy Council. He was knighted in 1617, and, upon the disgrace of Sir Thomas Lake, in February, 1619, he was appointed by James I. one of the two principal secretaries of state. He was selected for this important post because there was work to be done, and he had made himself valued in public life for his industry and ability. It is true, indeed, that his theory of the Constitution was similar to that held by the King. He had always been allied with the Court as distinguished from the Country party, and was a stanch supporter of the prerogatives of the Crown. In the Parliament of 1621 he was the leader of the Government forces, and the immediate representative of the King in the House of Commons. When he came to draw the charter of Maryland he framed such a government as the Court, during this period, conceived that England ought to be.

Calvert was not altogether friendly to Spain.[1] It is a mistake to suppose that his political fortunes were so bound up with the success of the Spanish match, that, upon its final rupture in 1623, his position became un-

[1] S. R. Gardiner's *Prince Charles and the Spanish Marriage*, i. 164.

tenable. He did not resign his secretaryship until February, 1625 ; and there is no sufficient reason for believing that he did not then do so voluntarily. Fuller, the chief contemporary authority, says that "he freely confessed to the King that he was then become a Roman Catholic, so that he



Geo Baltimore[1]

must be wanting in his trust or violate his conscience in discharging his office." It is certain that he had not forfeited the favor of the King, nor incurred the enmity of the all-powerful Buckingham. He was allowed to sell his secretaryship to his successor for £6,000, and was retained in the Privy

[1] See an account of this picture of the first Lord Baltimore, in the Critical Essay

Council. A few weeks after his withdrawal from office he was created Baron of Baltimore in the Irish peerage; and in 1627 Buckingham summoned him to a special conference with Charles I. upon foreign affairs. The date of his conversion to the Church of Rome has been the subject of much discussion, but there is no satisfactory evidence that it preceded, for any length of time, the open profession of his new faith.

From early manhood Sir George Calvert had been interested in schemes of colonization. He was a member of the Virginia Company until its dissolution, and was, as secretary of state, one of the committee of the Council for Plantation Affairs. While secretary he determined to become himself the founder of a colony, and in 1620 he purchased from Sir William Vaughan the southeastern peninsula of Newfoundland. In the following year he sent a body of settlers to this region, and expended a large amount of money in establishing them at Ferryland. James I. granted him in 1623 a patent constituting him the Proprietary of this portion of Newfoundland which was called Avalon, — a patent which afterwards became the model of the charter of Maryland. The fertility and advantages of Avalon had been described to Lord Baltimore with the usual exaggeration of discoverers. He made a short visit to it in the summer of 1627, and in the following year he went there, accompanied by several members of his family, with the intention of remaining permanently; but the severity and long duration of the winter convinced him that the attempt to plant an agricultural colony on that inhospitable shore was doomed to failure. In August, 1629, he wrote to the King that he found himself obliged to abandon Avalon to fishermen, and to seek for himself some warmer climate in the New World. He also announced his determination to go with some forty persons to Virginia, and expressed the hope that the King would grant him there a precinct of land, with privileges similar to those he enjoyed in Newfoundland. Charles I., in reply, advised him to desist from further attempts and to return to England, where he would be sure to enjoy such respect as his former services merited, — "well weighing," added the King, "that men of your condition and breeding are fitter for other employments than the framing of new plantations which commonly have rugged and laborious beginnings."

Without waiting for an answer to his letter Lord Baltimore sailed for Virginia, where he arrived in October, 1629. To the Virginians he was not a welcome visitor. They either honestly objected to receiving Catholic settlers, being proud of their conformity to the Church of England, or were apprehensive that he had designs upon their territory. They tendered to him and his followers the oaths of allegiance and supremacy. The latter was one which no Catholic could conscientiously take, and it was therefore refused by Baltimore. His offer to take a modified oath was rejected by the council, and they requested him to leave the colony.

While in Virginia Lord Baltimore learned that the northern and southern portions of the territory comprised within the old charter limits of the colony had not been settled, and he determined to ask for an independent grant of

a part of this unsettled region. Upon his return to England he learned that the King was willing to accede to his request. Baltimore finally selected for his new colony the country north of the Potomac, and prepared a charter to be submitted to the King, modelled upon the Avalon patent. The name of the colony was left to the choice of the King, who desired that it should be called Terra Mariæ — in English, Maryland — in honor of his Queen Henrietta Maria. This name was accordingly inserted in the patent; but before it passed the seals Lord Baltimore died. His death took place April 15, 1632, and he was buried beneath the chancel of St. Dunstan's Church. But his great scheme did not die with him. His rights were transmitted to his son and heir Cecilius, second Lord Baltimore, to whom the charter was finally issued, June 20, 1632.

THE BALTIMORE ARMS.[1]

The territory granted was defined with accuracy. The southern boundary was the further bank of the Potomac, from its source to its mouth in the Bay of Chesapeake, and ran thence to the promontory called Watkins Point, and thence east to the ocean. The eastern boundary was the ocean and Delaware Bay to the fortieth degree of latitude; and the northern boundary was a right line, on the fortieth degree of latitude, to the meridian of the fountain of the Potomac, where the southern boundary began. It will be seen that Maryland, as originally defined, comprised all of the present State of Delaware and a large part of what is now Pennsylvania.

The country described in the charter was expressly erected into a Province of the empire; and the Baron of Baltimore, his heirs and assigns, were constituted the absolute lords and proprietaries of the soil. Their tenure was the most liberal known to the law. They held the Province directly of the kings of England, in free and common socage, by fealty only, yielding therefor two Indian arrows, on the Tuesday of Easter week, to the King at the Castle of Windsor. The Province was made a county palatine; and the

[1] [This is a fac-simile of the arms as engraved on the map accompanying the *Relation* of 1635. The motto was also that of the great seal, furnished to the Province in 1648 by the second Lord Baltimore, which, by a vote of the legislature in 1876, was re-established on the seal of the State. See the Critical Essay.

It is worthy of remark that when an agent of Virginia was sent to London in 1860, to discover papers relating to the bounds between that State and Maryland, he found the representative of the Calverts, and possessor of their family papers, a prisoner in the Queen's Bench prison, in a confinement for debt which had then lasted twenty years. Colonel McDonald's *Report*, March, 1861 —Ed.]

Proprietary was invested with all the royal rights, privileges, and prerogatives which had ever been enjoyed by any Bishop of Durham within his county palatine. To the Proprietary was also given all the power that any captain-general of an army ever had; and he was authorized to call out the whole fighting population, to wage war against all enemies of the Province, to put captives to death, and, in case of rebellion or sedition, to exercise martial law in the most ample manner. He was empowered to establish courts and appoint judges, and to pardon crimes. He had also the right to constitute ports of entry and departure, to erect towns into boroughs and boroughs into cities with suitable immunities, and to levy duties and tolls upon ships and merchandise exported and imported. He could make grants of land to be held directly of himself, and erect portions of the land granted into manors with the right to hold courts baron and leet. It was further provided that, lest in so remote a region all access to honors might seem to be barred to men well born, the Proprietary might confer rewards upon deserving provincials, and adorn them with any titles and dignities except such as were then in use in England. All laws were to be made by the Proprietary with the advice and assent of the freemen, who should be called together, personally or by their deputies, for the framing of laws in the manner chosen by the Proprietary. In the event of sudden accidents the Proprietary might make ordinances for the government of the Province, provided they should not deprive offenders of life, limb, or property. Freedom of trade to all English ports was guaranteed.

Liberty to emigrate to the Province and there settle was given to all subjects of the Crown, and all colonists and their children were to enjoy the rights and liberties of native-born liegemen. There was an express covenant on the part of the Crown that at no time should any tax or custom be imposed upon the inhabitants or their property, or upon any merchandise to be laden or unladen within the Province. The charter concluded by directing that, in case any doubt should arise concerning the true sense of any word or clause, that interpretation should always be made which would be most beneficial to the Proprietary, "provided, always, that no interpretation thereof be made whereby God's holy and true Christian religion, or the allegiance due to us, our heirs and successors, may in anywise suffer by change, prejudice, or diminution."

It is especially to be remarked that the charter contained no provision requiring the provincial laws to be submitted to the Crown for approval. Nothing was reserved to the Crown except the allegiance of the inhabitants and the fifth part of all the gold and silver ore which might be found within the limits of the Province. But the powers conferred on the Proprietary were of a sovereign character: he was lord of the soil, the fountain of honor, and the source of justice. These privileges were the work of a friend of high prerogative; yet the rights of the people were not neglected. The freemen of the Province were entitled to participate in the law-making power, to enjoy freedom of trade, exemption from Crown taxation, and all

the rights and liberties of native-born Englishmen. All the laws of the Province must be consonant with reason and not repugnant to the laws of England. If it be true that the powers given to the Proprietary were greater than those ever conferred on any other Proprietary, it is equally true that the rights secured to the inhabitants were greater than in any other charter which had then been granted.

The charter expressly separated the Province from Virginia and made it immediately dependent on the Crown. The entire territory of Maryland had been included in the grants made in 1609, and subsequently to the London company for the first colony of Virginia. This company became obnoxious both to the Crown and the colonists, and, in 1624, a writ of *quo warranto* was issued against its patents, the judgment upon which revoked all the charters and restored to the Crown all the franchises formerly granted. Virginia then became a royal colony, and there could be no question of the right of the King to partition its territory at pleasure. But the grant of Maryland nevertheless caused a great discontent in Virginia. Although no permanent settlements had been made north of the Potomac, the Virginians regarded all the territory comprised within the old charter limits as still belonging to them, and objected to having it partitioned.

One member of the Virginia company had, indeed, established stations for traffic with the Indians on Kent Island, almost in the centre of Maryland, and on Palmer's Island, at the mouth of the Susquehanna River. This man was William Clayborne, destined to become famous in the early history of the Province. He had been Secretary of the Virginia colony and one of the Council. Before the visit of the first Lord Baltimore to Jamestown, Clayborne had been commissioned to explore the great bay and to trade with the Indians. He may then have set up trading stations upon Kent and Palmer's islands. In May, 1631, he obtained from Charles I. a license authorizing him to trade for furs and other commodities in all the coasts "in or near about those parts of America for which there is not already a patent granted to others for sole trade." This license, which was merely passed under the privy signet of Scotland, could not be construed as granting any title to the soil or government. In Baltimore's charter Maryland was described as hitherto unsettled, — *hactenus inculta*, — and this unlucky phrase was afterwards the source of innumerable difficulties. At the time of his visit to Virginia the region was probably unsettled so far as he could learn.

When intelligence of the grant of Maryland reached Virginia the planters were moved to sign a petition to the King, in which they remonstrated against the grant of a portion of the lands of the colony which would cause a "general disheartening" to them. The petition was referred to the Privy Council, which, after hearing both parties, decided, in July, 1633, that Lord Baltimore should be left to his patent and the Virginians to the course of law; and that, in the mean time, the two colonies should "assist each other on all occasions as becometh fellow-subjects."

There can be no doubt that, from the outset, Lord Baltimore intended that Maryland should be a place of refuge for the English Catholics, who had as much reason as the Puritans to flee from persecution. The political and religious hatred with which the mass of the English people regarded the Church of Rome was increasing in bitterness, and the Parliament of 1625 had besought the King to enforce more strictly the penal statutes against recusants. Soon after the grant of his charter Lord Baltimore treated with the Provincial of the Society of Jesus, in England, for his assistance in establishing a mission in the new colony. At the same time he wrote to the General of the Order asking him to designate certain priests to accompany the first emigration, whose duty it should be to confirm the Catholics in their faith, convert the Protestant colonists, and propagate the Roman faith among the savages. These requests were granted, and the first expedition was accompanied by two Jesuits.

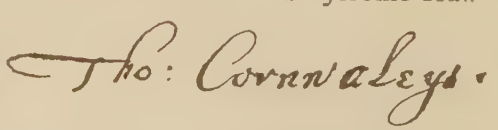
But Maryland was to be something more than a Catholic colony. Lord Baltimore had already determined that it should be a "free soil for Christianity." When the charter was granted, it was well known that Baltimore purposed to settle Maryland with Catholics. How came it to pass that, under these circumstances, a Protestant king made a grant of such large powers to a Catholic nobleman? Different views have been taken of the clauses of the charter relating to religion. One view is that by the patent the Church of England was established, and any other form of worship was unlawful; another that the glory of Maryland toleration is due to the charter, and under it no persecution of Christians was lawful; while a third view is that the charter left the whole matter vague and undetermined, and therefore within the control of the Proprietary and his colonists. The only references to religion in the charter that need be considered are two: the first, in the fourth section, giving the Proprietary the advowsons of all churches which might happen to be built, together with the liberty of erecting churches and causing the same to be consecrated according to the ecclesiastical laws of England; the second, in the twenty-second section, providing that no law should be made prejudicial to God's holy and true Christian religion.

These are the exact phrases used in the Avalon patent, which was issued to Sir George Calvert while still a member of the Church of England. In that case they probably operated as an establishment of that church. But these phrases were not retained in the charter granted to a Roman Catholic without good reason. The fourth section merely empowered the Proprietary to dedicate the churches which might be built; it did not compel him to build them: and the fact of being a Catholic did not then disable one from presenting to Anglican churches. There is, moreover, nothing in this section disabling the Proprietary from building churches of other faiths. The proviso in the twenty-second section was conveniently vague. It cannot be held either to establish the Church of England or to prohibit the exercise of any other worship. No such construction was ever placed upon

it by the Crown, or the Proprietary, or the people. It is certain that Baltimore would not have accepted a charter requiring the establishment of a church from which he and those whom he intended to be his colonists dissented. It is still more certain that he would not have accepted a charter prohibiting the exercise of the Catholic worship.

The most plausible view of these provisions is that they covered a secret understanding between the Proprietary and the King, to the effect that both Catholics and members of the Established Church should enjoy the same religious rights in Maryland.[1] The opinion entertained by some that the charter itself enforced toleration is altogether untenable. These provisions did not prevent the Church of England from being afterwards established in Maryland nor avert disabilities from Catholics and Dissenters. Apart from the supposed agreement between Baltimore and the King, any persecution of Conformists in the Province would have been extremely impolitic; it would have resulted in the speedy loss of the patent. But Baltimore could without danger have prohibited the immigration of Puritans, and could have discouraged in many ways the settlement even of Conformists. Not only did he not do any of these things, but he invited Christians of every name to settle in Maryland. It is the glory of Lord Baltimore and of the Province that, from the first, perfect freedom of Christian worship was guaranteed to all comers. Because the event proved that this magnanimity was the truest wisdom and resulted in populating the Province, there have not been wanting those who declare that it was not magnanimity at all, but only enlightened self-interest.

By the decision of the Privy Council in July, 1633, upon the petition of the Virginia planters, Lord Baltimore achieved his first victory in the long struggle he was destined to wage with the enemies of his colony. Regarding his title to the territory as unquestionable, he now hastened his preparations for its colonization. He had purposed to lead the colonists in person, but, finding it necessary to abandon this intention, he confided the expedition to the care of his brother, Leonard Calvert, whom he commissioned as Lieut.-General. Jerome Hawley and Thomas Cornwallis were associated as councillors, and George Calvert, another brother of the Proprietary, was one of the emigrants. Lord Baltimore provided two vessels, — the "Ark," of about three hundred and fifty tons burden, and the "Dove," a pinnace of about fifty tons. In October, 1633, the colonists, — "gentlemen adventurers and their servants," — to the number of about two hundred, embarked



[1] S. R. Gardiner's *Personal Government of Charles I.*, ii. 290.

at Gravesend. The vessels stopped at the Isle of Wight, where Fathers White and Altham (the Jesuits who had been designated for the service) and some other emigrants were received on board. They finally set sail from Cowes on the twenty-second day of November, 1633, and took the old route by the Azores and West Indies.

Soon after their departure Lord Baltimore wrote to his own and his father's friend, the Earl of Strafford, that, after having overcome many dif-

MAP OF MARYLAND, 1635.[1]

ficulties, he had sent a hopeful colony to Maryland with a fair expectation of success. "There are two of my brothers gone," he added, "with very near twenty other gentlemen of very good fashion, and three hundred laboring men well provided in all things."

The vessels remained for some time at Barbadoes, and did not arrive at Point Comfort until the 27th of February, 1634. Here the colonists were received by Governor Harvey, of Virginia, "with much courtesy and humanity," in obedience to letters from the King. Fresh supplies having been procured in Virginia, the "Ark" and "Dove" weighed anchor and sailed up the bay to the mouth of the Potomac, which they entered and proceeded up about fourteen leagues, to an island which they called St. Clement's.

[1] This is a reduced fac-simile of the map accompanying *A Relation of Maryland*, 1635. See Critical Essay. Compare the heliotype of Smith's map of Virginia, in chapter v.

The emigrants landed here, and took formal possession of Maryland "for our Saviour, and for our Sovereign Lord the King of England."

Governor Calvert left the "Ark" at the island and sailed up the river with two pinnaces, in order to explore the country and conciliate the Indian chieftains. He was accompanied by Captain Henry Fleet, of the Virginia colony, who was versed in the Indian tongues and acquainted with the country. They assured the chiefs that the strangers had not come to make war upon them, but to impart the arts of civilization and show their subjects the way to heaven. Not deeming it prudent to seat the first colony so far in the interior, Calvert returned down the river and was conducted by Captain Fleet up a tributary stream which flows into the Potomac, from the north, a few miles above its mouth. This river, which is now called the St. Mary's, is a deep and wide stream. Six or seven miles above its mouth the Governor's exploring party came to an Indian village, situate on a bluff on the left bank. They determined to settle here, but, instead of forcibly dispossessing the feeble tribe in possession, they purchased thirty miles of the land from them for axes, hatchets, and cloth, and established the colony with their consent. And thus the method of William Penn was antedated by half a century. By the terms of the agreement the Indians were to give up at once one half of the town to the English and part of the growing crops, and at the end of the harvest to leave the place altogether. The "Ark" was sent for, and on the 27th of March, 1634, amid salvoes of artillery from the ships, the emigrants disembarked and took possession of their new home, which they called St. Mary's.

Attention was first given to building a guardhouse and a general storehouse, their intercourse meanwhile with the natives being of the most genial character. The Indian women taught them how to use corn meal, and with the Indian men they hunted deer and were initiated into the mysteries of woodcraft. They planted the cleared land, and in the autumn of the same year were able to send a cargo of corn to New England in exchange for salt fish and other provisions. From Virginia the colonists procured swine and cattle; and, within a few months after landing, the settlement was enjoying a high degree of prosperity. The English race had now learned the art of colonization.

Although Governor Harvey visited St. Mary's and seems always to have been friendly to the new colony, the Virginians were bitterly hostile. Captain Young wrote to Sir Tobie Matthew from Jamestown, in July, 1634, that it was there "accounted a crime almost as heinous as treason to favor, nay, to speak well of, that colony" of Lord Baltimore. Sympathy with what they regarded as Clayborne's wrongs increased their enmity. Soon after the "Ark" and "Dove" left Point Comfort, Clayborne informed the Governor and Council of Virginia that Calvert had notified him that the settlement upon Kent Island would henceforth be deemed a part of Maryland, and requested the opinion of the Board as to his duty in the premises. The Board expressed surprise at the question, and said that there

was no more reason for surrendering Kent Island than any other part of the colony; and that, the validity of Lord Baltimore's patent being yet undetermined, they were bound to maintain the rights of their colony. It was probably on account of remonstrances from Virginia that the committee of the Privy Council for plantations wrote to the Virginians in July, 1634, that there was no intention to affect the interests which had been settled when Virginia was under a corporation, and that for the present they might enjoy their estates with the same freedom as before the recalling of their patents. This letter, which was merely designed to show that Baltimore's charter should not invade any individual right, appears to have been regarded by Clayborne as justifying his resistance to Calvert's claim of jurisdiction over his trading stations.

Clayborne endeavored at once to incite the Indians to acts of hostility against the colony. He told them that the new-comers were Spaniards, enemies of the English, and had come to rob them. These insinuations caused a change in the demeanor of the Indians, which greatly alarmed the people of St. Mary's. The suspicions of the natives, however, were soon dispelled and friendly relations with them were renewed. Clayborne now resolved to wage an open war against the colony. Early in 1635 a *casus belli* was found in the capture by the Maryland authorities of a pinnace belonging to Clayborne, upon the ground that it was a Virginia vessel trading in Maryland waters without a license. Clayborne thereupon placed an armed vessel under the command of Lieutenant Warren, with orders to seize any of the ships belonging to St. Mary's. Governor Calvert determined to show at once that this seditious opposition would not be tolerated. He equipped two small vessels and sent them against Kent Island. A naval engagement between the hostile forces took place in April, 1635, which resulted in the killing of one of the Maryland crew, and of Lieutenant Warren and two others of the Kent Island crew. Clayborne's men then surrendered and were carried to St. Mary's. Clayborne himself took refuge in Virginia, and Governor Calvert demanded his surrender. This demand was not granted, and two years later Clayborne went to England. He presented a petition to the King, complaining that Baltimore's agents had sought to dispossess him of his plantations, killing some of his men and taking their boats. He offered to pay the King £100 per annum for the two islands, and prayed for a confirmation of his license and an order directing Lord Baltimore not to interfere with him.

This petition was referred to a committee of the Privy Council, before which Clayborne appeared in person, and arguments upon both sides were heard. The committee decided, in April, 1638, that Clayborne's license to trade, under the signet of Scotland, gave him no right or title to the Isle of Kent, or to any other place within the limits of Baltimore's patent, and did not warrant any plantation, and that no trade with the Indians ought to be allowed within Maryland without license from Lord Baltimore. As to the wrongs complained of, the committee found no reason to remove them, but

left both sides to the ordinary course of justice. Clayborne returned to Virginia, postponing but not abandoning his vengeance, and Kent Island was subjected to the government of St. Mary's, Captain George Evelyn being appointed commander of the isle. In the same year Palmer's Island was seized, and Clayborne's property there confiscated.

In February, 1635, the first legislative assembly of the Province was convened. Owing to the destruction of most of the early records during Ingle's Rebellion, no account of the proceedings of this Assembly has come down to us. The charter required the assent of the Proprietary to the laws, and when the acts of this Assembly were laid before Lord Baltimore he disallowed them. In April, 1637, he sent over a new commission, constituting Leonard Calvert the lieut.-general, admiral, and commander, and also the chancellor and chief-justice of the Province. In certain cases, he was directed to consult the council, which was composed of Jerome Hawley, Thomas Cornwallis, and John Lewger. The governor was directed to assemble the freemen of the Province, or their deputies, upon the 25th of January ensuing, and signify the Proprietary's dissent from the laws made at the previous assembly, and at the same time to submit to them a body of laws which he would himself send over. John Lewger, the new member of the council, and secretary of the Province, came to St. Mary's in November, 1637, accompanied by his family and several servants. He was distinguished as a scholar at Oxford, and had been converted to Catholicism by the celebrated controversialist Chillingworth. His appointment is an evidence of the solicitude shown by the Proprietary for the affairs of his plantation. During the first years of the settlement he and his friends expended above £40,000 in sending over colonists and providing them with necessaries, of which sum at least £20,000 was out of Baltimore's own purse.

There can be no doubt that the Proprietary contemplated the foundation of an aristocratic State, with large tracts of land in the hands of individuals who would be interested in upholding his authority. He published, from time to time, certain "conditions of plantation," stating the quantity of land to which emigrants would be entitled. In the conditions issued in 1636 he directs that to every first adventurer, for every five men brought into the Province in 1634, there should be granted two thousand acres of land for the yearly rent of four hundred pounds of wheat; and to each bringing a less number, one hundred acres for himself, and one hundred acres for his wife and each servant, and fifty acres for every child, under the rent of ten pounds of wheat for each fifty acres. The conditions offered to subsequent adventurers were, naturally, less favorable. All these grants were of fee-simple estates of inheritance, and the colonists received in addition grants of small lots in the town of St. Mary's. Each tract of a thousand acres or more was erected into a manor, with the right to hold courts

baron and leet, and the other privileges belonging to manors in England. A large number of manors were laid off in the Province, and in some instances courts baron and leet were held.[1]

It was only in this regard that the design of transplanting the institutions of expiring feudalism to the New World was carried out. Political and social equality resulted from the conditions of the environment. The "freemen," who were entitled to make laws, were early held to include all but indented servants, whether they owned a freehold or not. The second Assembly, which met in January, 1638, was a pure democracy. Writs of summons had been issued to every freeman directing his personal attendance. The governor presided as speaker, and the council sat as members. Those freemen who did not choose to attend gave proxies. Proclamation was made that all persons omitted in the writs should make their claim to a voice in the Assembly, "whereupon claim was made by John Robinson, carpenter, and was admitted." Upon the question of the adoption of the body of laws proposed by Lord Baltimore, the Speaker and Lewger (who counted by proxies fourteen voices) were in the affirmative, and all the rest of the Assembly, being thirty-seven voices, in the negative. Thus was begun a constitutional struggle between the people and the Proprietary. The latter held that, under the charter, the right of originating legislation belonged exclusively to him. For this reason, he had rejected the laws made in 1635, and had himself proposed a number of bills. The colonists were unwilling to concede this claim, and now rejected, in turn, the propositions of the Proprietary. This early evidence of the persistence with which a handful of emigrants maintained what they conceived to be their rights possesses a peculiar interest. The immediate result of the contest was to leave the colony without any laws under which criminal jurisdiction could be exercised. This subject next occupied the attention of the House. Subsequently a number of laws were made, but with the exception of an act of attainder against Clayborne, their titles only remain. They were sent to Lord Baltimore, who promptly exercised his veto power upon them. In February, 1638, a county court was held at which Thomas Smith, who had been captured in the naval engagement described above, and subsequently held a prisoner, was indicted by a grand jury for murder and piracy. There being no court legally constituted to try Smith, he was arraigned and tried before the Assembly, Secretary Lewger acting as the prosecuting attorney. The House found him guilty, with but one dissenting voice, and he was sentenced to be hanged.

Soon after Lord Baltimore had for the second time rejected the acts of the Assembly, he wisely determined to yield his claim of the right to originate legislation. Accordingly he wrote to his brother in August, 1638, giving him power to assent to such laws as he might approve. The assent of the governor was to give force to the laws till the dissent of the Proprie-

[1] In the Maryland Historical Society are preserved the original manuscript records of courts baron and leet held in St. Clement's manor at different times from 1659 to 1672.

tary should be signified. This double veto power was similar to that which existed in most of the royal colonies, where the first negative was in the governor and the second in the king. In a Palatinate government, like Maryland, the Proprietary exercised the royal prerogative. There being no further obstacle to legislation an Assembly was called to meet in February, 1639, which body was composed partly of delegates elected by the people, and partly of freemen specially summoned by the governor's writ. It was also held that any freeman, who had not participated in the election of deputies, might sit in his individual right. The laws passed at this session provided principally for the administration of justice in criminal and civil cases. It was enacted that the inhabitants should have all their rights and liberties according to the Great Charter.

One of the acts declared that "Holy Church within this Province shall have all her rights and liberties." A similar law was made in the following year. Both are founded upon the first clause of Magna Charta and must be held to apply to the Roman Church, since the phrase "Holy Church" was never used in speaking of the Church of England. But these acts can hardly be regarded as evidence of an intention to establish the Roman Church. They do not seem to have had any practical effect whatever. We have seen that Lord Baltimore purposed to make all creeds equal in Maryland. Apart from this fixed purpose, from which he never swerved, the impolicy of granting any peculiar privileges to the Catholic Church, in a province subject to England, was so apparent that it was recognized by the Jesuits themselves. Among the Stonyhurst Manuscripts there is preserved the form of an agreement between the Provincial of the Society of Jesus, and Lord Baltimore, in which, after a statement of the manner in which Maryland had been obtained and settled, it is recited that it is "evident that, as affairs now are, those privileges, etc., usually granted to ecclesiastics of the Roman Catholic Church by Catholic princes in their own countries, could not possibly be granted here without grave offence to the King and State of England (which offence may be called a hazard both to the Baron and especially to the whole colony)." The agreement then binds the members of the society in Maryland not to demand any such privileges except those relating to corporal punishments.[1]

It is certain that, from the time the emigrants first landed at St. Mary's, religious toleration was the established custom of the Province. The history of Maryland toleration does not begin with the famous Act of 1649. That was merely a legislative confirmation of the unwritten law. Long before that enactment, at a time when intolerance and martyrdom was almost the law of Christendom, and while the annals of the other colonies of the New World were being stained with the record of crimes committed in the name of religion, in Maryland the doctrine of religious liberty was clearly proclaimed and practised. It is the imperishable glory of Lord Baltimore and of the State. For the first time in the history of

[1] *Records of the English Province of the Society of Jesus.* London, 1878, iii. 362.

the world there was a regularly constituted government under which all Christians possessed equal rights. All churches were tolerated, none was established. To this "land of the sanctuary" came the Puritans who were whipped and imprisoned in Virginia, and the Prelatists who were persecuted in New England. In 1638 one William Lewis was fined by the council five hundred pounds of tobacco, and required to give security for his good behavior, because he had abused Protestants and forbidden his servants to read Protestant books. The Puritans were invited to settle in Maryland. In 1643 Lord Baltimore wrote to Captain Gibbons of Boston, offering land to any inhabitants of New England that would remove to his province, with liberty in matter of religion, and all other privileges.[1]

It appears from a case that came before the Assembly in 1642 that there was at that time no Protestant clergyman in Maryland. The only religious guides were the Jesuit missionaries, and they formed the only Catholic mission ever established in any of the English colonies in America. Two priests, as we have seen, accompanied the first emigration. In 1636 the mission numbered four priests and one coadjutor. They labored among the Indians in the spirit of Xavier, establishing stations at points distant from St. Mary's. Their efforts to elevate the savage were not without success. One of their converts was Tayac, the chief of the Piscataways. He and his wife were baptized in 1640, when Governor Calvert and many of the principal men of the colony were present at the ceremony. The Jesuits also succeeded in converting many Protestants. The annual letter of 1638, as communicated to their Superior, states that nearly all the Protestants who came from England in that year, and many others, had been converted.

Although the missionaries did much towards conciliating the Indians, and a fair and gentle treatment of them was the constant policy of the colony, it was yet impossible to preserve a perfect peace with all the tribes. The increase of the colonists began to alarm them, and they were constantly committing petty depredations. All the inhabitants capable of bearing arms were trained in military discipline, and a certain quantity of arms and ammunition was required to be kept at each dwelling-house. Expeditions were frequently made for the purpose of punishing particular tribes which had committed "sundry insolencies and rapines." Scarcely anything is known of the details of these Indian wars. It was made a penal offence for the colonists to supply any Indian with arms, but the Swedes on the Delaware had no scruples in this respect.

In 1640 another Assembly was held. St. Mary's County had now been divided into hundreds, and conservators of the peace appointed for each hundred. In addition to the burgesses elected in each hundred, the governor summoned certain freemen by special writ, as had been previously done. The theory upon which this Assembly and those held in the following years proceeded, in framing laws, was that justice should be done

[1] [See *Memorial History of Boston*, i. p. 278. — ED.]

according to the law of England, except in so far as changed by provincial enactments.

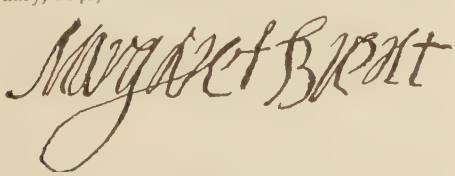
The Civil War was now at its height in England, and that mighty convulsion filled all the colonies with alarm and uncertainty. The supremacy of the Puritans foreboded danger to the colony of a Catholic nobleman, who still adhered to the cause of the King. Governor Calvert determined to consult his brother personally in regard to the course to be pursued in this crisis. Delegating his powers to Giles Brent, he sailed for England and soon after joined his brother at Oxford. They received from the King a commission to seize any London ships that might come to St. Mary's. Baltimore sent this commission to Maryland; and in January, 1644, when one Richard Ingle appeared in the Province with an armed ship from London, Governor Brent seized the vessel, and issued a proclamation against Ingle, charging him with treason to the King. Ingle was taken, but soon after made his escape and returned to England. Governor Calvert arrived in September, 1644, and found the Province torn with internal feuds and harassed by Indian incursions. Many thought that the triumph of Parliament would put an end to the Proprietary dominion. Clayborne availed himself of the confusion to renew his designs upon Kent Island, and, by the end of the year, he had regained his former possession. Ingle soon after arrived in another ship, with parliamentary letters of marque. The Proprietary was as powerless as the King with whose fortunes his own were thought to be linked. Ingle landed his men, allied himself with the disaffected, and easily took possession of the government. Governor Calvert fled to Virginia, and the insurgents were undisturbed. The records of the Province brand Ingle as a pirate. To plunder seems indeed to have been his main purpose, and it is not clear that he even professed to act on behalf of the Commonwealth. He afterwards alleged, in a petition to Parliament, that, when he arrived in Maryland, he found that the governor had received a commission from Oxford to seize all London ships, and to execute a tyrannical power against Protestants; and that, therefore, he felt himself to be conscientiously obliged to come to the help of the Protestants against the Papists and Malignants. His only statement as to his proceedings in the Province is that "it pleased God to enable him to take divers places from them, and to make him a support to the well-affected." It is, however, certain that the period of Ingle's usurpation was marked with much oppression and extortion. The Jesuits were sent in chains to England, and most of those deemed loyal to the Proprietary were deprived of their property and banished.

Towards the close of 1646 Governor Calvert, who had been watching the progress of events from Virginia, deemed that the time was ripe for a counter revolution. He appeared at St. Mary's, at the head of a small force levied in Virginia, and regained the government without resistance. Ingle left the Province, and the body of the people returned to their allegiance with marked alacrity. The most permanent evil caused by this

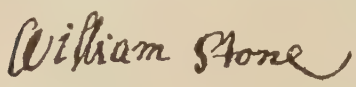
usurpation — commonly called Clayborne and Ingle's Rebellion, although they do not appear to have acted in concert — was the destruction of the greater part of the then existing records. The entire period is, consequently, involved in obscurity; and it is impossible to determine why it was that so many of the inhabitants were ready to join Ingle in what they afterwards called his "heinous rebellion." Kent Island alone held out, and Governor Calvert went there in person, and brought back the island to subjection. The entire Province was now tranquillized; but Leonard Calvert did not live to enter upon his labors. On the 9th of June, 1647, he died at the little capital of St. Mary's, which he had founded seventeen years before, and where he had long exercised, with wisdom and moderation, the highest executive and judicial functions. He had led out the colony from England when a young man of twenty-six years, and in the discharge of various offices he had, in the language of his commission, displayed "such wisdom, fidelity, industry, and other virtues as rendered him capable and worthy of the trust reposed in him." Upon his death-bed he named Thomas Greene his successor, who now assumed the duties of governor. Greene proclaimed a general pardon to those in the Province who had "unfortunately run themselves into a rebellion," and a pardon to those who had fled the Province, "acknowledging sorrow for his fault," except "Richard Ingle, mariner."[1]

The cause of the monarchy was now prostrate in England, and in the supremacy of Parliament Lord Baltimore saw great danger threatening his colonial dominion. It was necessary to put it out of the power of his enemies to say that Maryland was a Catholic colony, and at the same time he felt bound to protect his co-religionists. He therefore determined to pursue at once a policy of conciliation to the Puritans and of protection to the Catholics. The course he adopted was one well calculated to attain this double end. In August, 1648, he removed Greene, who was a Catholic, and appointed William Stone governor. Stone was a Virginian, and well known as a zealous Protestant and adherent of the Parliament. Lord Baltimore at the same time issued a new commission of the Council of State appointing five councillors, three of whom were Protestants, and he also appointed a Protestant secretary. Accompanying the commissions were oaths to be taken by the governor and councillors. Each was required

[1] At a session of the Assembly held in January, 1648, an incident occurred which annalists have generally deemed worthy of mention as the first instance of a demand of political rights for women. Miss Margaret Brent — who was the administratix of Governor Calvert, and as such held to be the attorney, in fact, of Lord Baltimore — applied to the Assembly to have a vote in the House for herself, and another as his lordship's attorney. Upon the refusal of her demand, the lady protested in form against all the proceedings of the House. The Assembly afterwards defended her from the censures passed by Lord Baltimore upon her management of his affairs in the Province.



to swear that he would not trouble or molest any person in the Province professing to believe in Jesus Christ, "and in particular no Roman Catholick for, or in respect of, his or her religion." While the usual power to assent to laws in the name of the Proprietary was given to Stone, his commission contained a proviso that he should not assent to the *repeal* of any law — already made or which should thereafter be made — which might in any way concern matters of religion, without special warrant under the seal of the Proprietary. The object of this restriction was to prevent the repeal, by subsequent legislatures, of the act of religious toleration which Lord Baltimore purposed to have passed by the next Assembly. By this act he did not design to have the custom of religious liberty, which had prevailed from the settlement, at all enlarged, but only to be a law of the land beyond the reach of alteration. This security was the more necessary since Stone had agreed to procure five hundred settlers to reside in Maryland, and these might create an overwhelming Protestant majority.



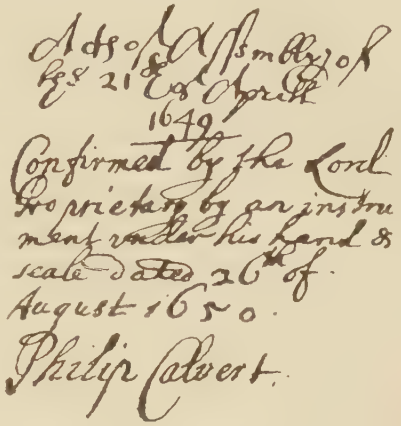
The new governor and council entered upon their duties in the beginning of 1649, and in April of that year the Assembly met. The first law made was the famous "act concerning religion;" which, at least so far as it related to toleration, was doubtless one of the sixteen proposed laws which Lord Baltimore had sent over in the preceding year with the new commissions. The memorable words of this act, the first law securing religious liberty that ever passed a legally constituted legislature, provide that —

"Whereas, the inforcing of the conscience in matters of religion hath frequently fallen out to bee of dangerous consequence in those commonwealths where it hath beene practised, and for the more quiet and peaceable government of this province, and the better to preserve mutuall love and unity amongst the inhabitants here," it was enacted that no person "professing to believe in Jesus Christ shall, from henceforth, be any waies troubled, molested, or discountenanced for, or in respect of, his or her religion, nor in the free exercise thereof within this province, . . . nor any way compelled to the beleefe or exercise of any other religion, against his or her consent."

The Assembly was composed of sixteen members, nine burgesses, the governor, and six councillors. Their faith has been a matter of dispute, but the most recent investigations make it certain that a majority were Catholics. The governor, three of the council, and two of the burgesses were, without doubt, Protestants. It is equally certain that three of the council and five burgesses were Catholics. The faith of the remaining two members is doubtful; and there is also doubt whether the governor and council sat as a distinct upper house or not.

By the other sections of the "act of toleration," blasphemy, and denying the divinity of Christ, or the Trinity, were made punishable with death; and those using reproachful words concerning the Virgin Mary or the Apostles, or in matters of religion applying opprobrious epithets to persons, were

punishable by a fine, and in default of payment by imprisonment or whipping. It does not appear that any of these penalties were ever inflicted. The toleration established by this act is so far in advance of all contemporary legislation, that it would be invidious to reproach the law-givers because they were not still more enlightened. It may have been that they regarded any broader toleration as prohibited by the provision of the charter respecting the Christian religion, or as likely to excite the animadversion of the Puritans in England. Parliament had recently passed a law (Act of 1648, chapter 114) for the preventing of the growth of heresy and blasphemy, by which the "maintaining with obstinacy" of any one of a number of enumerated heresies — such as that Christ is not ascended into heaven bodily, or that the bodies of men shall not rise again after they are dead — was made a felony punishable with death.



ENDORSEMENT OF THE TOLERATION ACT.

In 1649 Governor Stone invited a body of Puritans who were banished from Virginia, on account of their refusal to conform to the Church of England, to settle in Maryland. These Puritans, the fruits of a mission which had been sent from New England to "convert the ungodly Virginians," numbered over one hundred. Stone having promised them liberty in the matter of religion and the privileges of English subjects, they accepted the invitation, and in this year settled at a place which they called Providence, — now the site of Annapolis. The settlement was, at the next Assembly, erected into a county, and named Anne Arundel, in honor of Lord Baltimore's wife, recently deceased, who was a daughter of the Earl of Arundel. The conditions of plantation required every person taking up land in the Province to subscribe an oath of fidelity to his lordship, acknowledging him to be "the true and absolute lord and Proprietary of this province." The Puritans objected to this oath as being against their consciences, because it required them to acknowledge an absolute power, and bound them to obey a government which countenanced the Roman religion. It is clear that these refugees from intolerance were eager to be intolerant themselves. During a temporary absence of Stone in November, 1649, Greene, the deputy-governor, foolishly proclaimed Charles II. king, and granted a general pardon in furtherance of the common rejoicing. Although this act was promptly disavowed, it afterwards became a formidable weapon against Lord Baltimore.

Notwithstanding their scruples, the Providence Puritans sent two burgesses to the Assembly of 1650, one of whom was elected speaker of the

lower house. At this session there was first made a permanent division of the Assembly into two houses, which lasted till the Revolution of 1776. The lower house consisted of the burgesses, and the upper of the governor, secretary, and council. The majority of this Assembly were Protestants; but they made a law enacting, as "a memorial to all posterities" of their thankfulness, fidelity, and obedience to the Proprietary, that, "being bound thereunto by the laws both of God and man," they acknowledged him "to be the true and absolute lord and Proprietary of this province," and declaring that they would maintain his jurisdiction till "the last drop of our blood be spent." Another act was passed altering the oath of fidelity prescribed by the conditions of plantation. The new oath afforded ample opportunity for mental reservation. By it the subscribers bound themselves to maintain "the just and lawful" right and dominion of the Proprietary, "not in any wise understood to infringe or prejudice liberty of conscience in point of religion."

Lord Baltimore's trimming at this crisis aroused the displeasure of Charles II. Although a powerless exile, he deposed the Proprietary, and appointed Sir William Davenant royal governor of Maryland, on the ground that Baltimore "did visibly adhere to the rebels in England, and admitted all kinds of sectaries and schismatics and ill affected persons into the plantation." Baltimore afterwards used this assertion to prove his fidelity to Parliament. Sir William collected a force of French and sailed for Maryland, but was captured in the channel.

Lord Baltimore was soon after threatened from a much more formidable quarter. The revolt of the island of Barbadoes called the attention of Parliament to the necessity of subjecting the colonies to its power, and by an act passed Oct. 3, 1650, for reducing Barbadoes, Antigua, "and other islands and places in America" to their due obedience, the Council of State was authorized to send ships to any of the plantations, and to commission officers "to enforce all such to obedience as do or shall stand in opposition to Parliament." When the news of this act reached Maryland, the Puritans of Providence thought that the days of the Proprietary dominion were numbered, and they consequently refused to send burgesses to the Assembly which met in March, 1651. Upon information of their conduct and of the perturbed state of the Province being transmitted to Lord Baltimore, he sent in August, 1651, a long message to the governor and Assembly. He declared that the reports concerning the dissolution of his government were unfounded, and directed that in case any of the inhabitants should persist in their refusal to send burgesses to the Assembly, they should be proceeded against as rebels. He also requested the governor and council to use their best endeavors to suppress such false rumors, and suggested that a law be made punishing those spreading false news.

But they who asserted that the Proprietary dominion was about to fall, did not "spread false news." That steps were not immediately taken to execute the Act of 1650 was probably owing to the fact that Scotland was now

in arms under the banner of Charles II. But after the "crowning mercy" of the battle of Worcester, the Council of State, Sept. 20, 1651, appointed two officers of the navy, and Richard Bennett and William Clayborne of Virginia, commissioners under the act. They were directed to use their "best endeavors to reduce all the plantations within the Bay of Chesapeake to their due obedience to the Parliament and the Commonwealth of England." Maryland was at first expressly named in these instructions; but before they were issued, Baltimore went before the committee of the Council and showed that Governor Stone had always been well affected to Parliament; proved by merchants, who traded to Maryland, that it was not in opposition, and declared that when the friends of the Commonwealth had been compelled to leave Virginia he had caused them to be well received in his province. The name of Maryland was thereupon stricken out of the instructions; but when they were finally issued, a term was used under which the Province might be included.

Clayborne and Bennett were in Virginia; the other commissioners soon after sailed with a fleet carrying a regiment of men, and one hundred and fifty Scotch prisoners who were to be sold as servants in Virginia. A part of the fleet finally reached Jamestown in March, 1652. The commissioners speedily came to terms with Sir William Berkeley, and then turned their attention to Maryland. They appeared at St. Mary's toward the last of March, and demanded submission in two particulars: first, that all writs and proclamations should be issued in the name of the Keepers of the Liberties of England, and not in that of the Proprietary; and second, that all the inhabitants should subscribe the test, called "the engagement," which was an oath of allegiance to Parliament. The instructions of the commissioners expressly authorized them to insist upon these terms. The governor and council acceded to the second demand, but refused the first on the ground that process in Maryland had never run in the name of the king, and that it was not the intention of Parliament to deprive Lord Baltimore of his rights in the Province. The commissioners immediately removed Stone and appointed a council of six to govern the Province independently of the Proprietary. Bennett and Clayborne then returned to Virginia, where they appointed themselves respectively governor and secretary of that colony. A few months later Stone, deeming that he could best subserve the interests of the Proprietary by temporizing, submitted to the terms of the commissioners, who, finding that Stone was too popular a man to be disregarded, reinstated him in his office June 28, 1652.

Now that Virginia and Maryland were both under the authority of the same commissioners, the Virginians thought that the time had arrived when an attempt to regain their lost territory was likely to prosper. In August, 1652, a petition was presented to Parliament praying that Virginia might have its ancient limits as granted by the charters of former kings, and that Parliament would grant a new charter in opposition to those intrenching upon these limits. This petition was referred to the committee of the navy

with directions to consider what patent was proper to be granted to Virginia. The committee reported Dec. 31, 1652. They found that Kent Island had been settled three years before the settlement of Maryland; that Clayborne had been unlawfully dispossessed of it; that Baltimore had exacted oaths of fealty to himself; that several laws of Maryland were repugnant to the statutes of England, such as the one protecting Papists; that persons of Dutch, French, and Italian descent enjoyed equal privileges with the English in Maryland; and that in March, 1652, the governor and council of Maryland had refused to issue writs in the name of the Keepers of the Liberties of England. No action was taken upon this report. Baltimore had previously presented a paper containing reasons of state why it would be more advantageous for the Commonwealth to keep Maryland under a separate government than to join it to Virginia. These reasons were adapted to the existing condition of affairs, and are sufficiently ingenious.

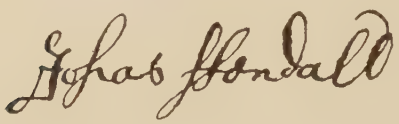
The Province seems to have been quiet during the year 1653. In England, Cromwell turned Parliament out of doors, and the whole strength of the nation was devoted to the Dutch War. Lord Baltimore thought the time propitious for an attempt to recover his colony. Accordingly, in the latter part of the year, he directed Stone to cause all persons who had failed to sue out patents for their land, or had not taken the amended oath of fidelity to the Proprietary, to do so within three months upon pain of forfeiture of their land. Stone was also directed to issue all writs and processes in the name of the Proprietary. In pursuance of these instructions Stone issued a proclamation in February, 1654, requiring those seated upon lands to obtain patents, and swear allegiance to Lord Baltimore. A few weeks later he commanded all officers of justice to issue their writs in the name of the Proprietary, and showed that this change would not infringe their "engagement" to the Commonwealth. In May he proclaimed Cromwell Lord Protector. But the Puritans were not mollified by this act. Before the proclamation of February had been issued, information as to Baltimore's instructions had reached the Puritans on the Severn and Patuxent; and they had sent petitions to Bennett and Clayborne, in which they complained that the oath of fidelity to be required of them was "a very real grievance, and such an oppression as we are not able to bear," and prayed for relief according to the cause and power wherewith the commissioners were intrusted. The open disaffection of the Puritans caused Stone in July, 1654, to issue a proclamation in which he charged Bennett and Clayborne, and the whole Puritan party, with leading the people into "faction, sedition, and rebellion against the Lord Baltimore." The commissioners, still acting under their old authority, resolved again to reduce Maryland. They put themselves at the head of the Providence party, and advanced against St. Mary's. At the same time a force levied in Virginia, threatened an invasion from the south. Stone, deeming resistance hopeless, submitted. The commissioners deposed him, and by an order dated Aug. 1, 1654, committed the government of the Province to Captain Fuller and a Puritan council. An Assembly

was called to meet in the ensuing October for which Roman Catholics were disabled from voting or being elected members. And thus the fugitives from oppression proceeded to oppress those who had given them an asylum. "Ingratitude to benefactors is the first of revolutionary virtues." The new Assembly met at the house of an adherent on the Patuxent River. Its first act was one denying the right of Lord Baltimore to interfere in the affairs of the Province. An act concerning religion was passed, declaring that none who professed the Popish religion could be protected in the Province, "but to be restrained from the exercise thereof."

When the news of the deposition of his officers reached Lord Baltimore he despatched a special messenger with letters to Stone, upbraiding him for having yielded the Province without striking a blow, and directing him to make every effort to re-establish the proprietary government. Stone, thus commanded, resolved to dispute the possession of the government with the Puritans. He armed the population of St. Mary's, and caused the records, which had been removed to the Patuxent, and a quantity of ammunition to be seized. In March, 1655, he advanced against Providence with about two hundred men and a small fleet of bay craft. He sent ahead of him envoys with a demand for submission which was rejected. The Puritans obtained the aid of Roger Heamans, master of the "Golden Lion," an armed merchantman lying in the port, and prepared for resistance. Stone landed his men near the town on the evening of the 24th of March, and on the next morning the hostile forces advanced against each other. The battle-cry of the Puritans was, "In the name of God fall on!" that of their opponents, "Hey for St. Mary's!" The fight was short and decisive. The Puritans were completely victorious. About fifty of Stone's men were killed or wounded, and nearly all the rest, including Stone himself, who was wounded, were taken prisoners. The loss of the Puritans was trifling, but they did not use their victory with moderation. A drum-head court-martial condemned ten prisoners to death, upon four of whom the sentence was executed. Among those thus tried and condemned was Governor Stone, but the soldiers themselves refused to take his life. It is said that the intercessions of the women caused the lives of the others to be spared. They were however kept in confinement, and the estates of the "delinquents" were confiscated.

Each party was now anxious to find favor in the sight of the Protector. Lord Baltimore presented the affidavit of certain Protestants in the Province, as to the high-handed proceedings of the Puritans; while the commissioners transmitted documents to prove that he was hostile to the Protector. In the course of the year several pamphlets were published on either side of the controversy. Cromwell, however, does not appear to have concerned himself about the dispute, since both parties acknowledged his supremacy. In January, 1655, Baltimore had obtained from him a letter to Bennett, directing the latter to forbear disturbing the Proprietary or his people in Maryland. Soon after the receipt of this letter Bennett abandoned the governorship

of Virginia and went to England. He there made such representations to the Protector, that, in September, 1655, Cromwell wrote to the "Commissioners of Maryland," explaining that his former letter related only to the boundary disputes between Maryland and Virginia. After the battle of Providence, Cromwell referred the matter to the Commissioners of the Great Seal, and declared his pleasure that in the mean time the government of Maryland should remain as settled by Clayborne. The Commissioners of the Great Seal reported to the council of state in the following year. This report was not acted upon, but was itself referred to the Commissioners for Trade. It was probably favorable to Lord Baltimore, for he made another effort to wrest his Province from the hands of the Puritans. In July, 1656, he appointed Josias Fendall governor of the Province, with all the powers formerly exercised by Stone. Fendall was in reality only a persistent and unscrupulous revolutionist, but his activity had hitherto been exercised on behalf of the Proprietary. Even before his appointment his conduct had excited the suspicions of the Puritan council. He was arrested by them on the charge of "dangerousness to the public peace," and kept in confinement till September, 1656, when he was released upon taking an oath not to disturb the existing government until the matter was determined in England.



On the 16th of September, 1656, the Commissioners of Trade reported to the Lord Protector entirely in favor of Baltimore. The report was not acted upon, and Bennett and Matthews, the agents of the Puritans, continued the contest. In October they sent to the Protector a paper entitled, *Objections against Lord Baltimore's patent, and reasons why the government of Maryland should not be put into his hands.* These objections merely recite the old grievances. Baltimore did not wait for the report to be confirmed, but, confident that his province would be restored to him, directed Fendall to assume the administration of affairs. He also directed large grants of land to be made to those who had been conspicuous for their fidelity to him, and instructed the Council to make provision, out of his own rents, for the widows of those who had lost their lives in his service. Towards the close of the year the Proprietary sent his brother, Philip Calvert, to Maryland as a member of the Council and secretary of the Province. Maryland was now divided between the rival governments. The Puritans held undisputed sway over Anne Arundel, Kent Island, and most of the settlements, while Fendall's authority seems to have been confined to St. Mary's County. But there were no acts of hostility between the opposing factions. In September, 1657, the Puritans held another Assembly at Patuxent, at which they again passed an act in recognition of their own authority, and imposed taxes for the payment of the public charges.

Such was the posture of affairs when an agreement was reached by Lord Baltimore and the Puritan agents in England. The favor with which the Protector regarded the old nobility, and his failure to notice the remon-

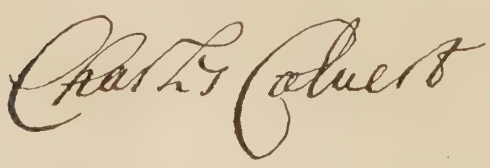
strances which the Puritan agents had addressed to him, caused the latter to despair of setting aside the adverse report of the Commissioners of Trade. The new agent of Virginia, Digges, acted as the intermediary between Baltimore and Bennett and Matthews, and the articles of agreement were signed on the 30th of November, 1657. After reciting the controversies and the "very sad, distracted, and unsettled condition" of the Province, they provide for the submission of those in opposition to the Proprietary and their surrender of the records and great seal. Lord Baltimore, on his part, promised "upon his honor" that he would punish no offenders, but would grant land to all having claims under the conditions of plantation, and that any persons desiring to leave the Province should have liberty to do so. The Puritans now desired the protection of the Toleration Act, and Lord Baltimore therefore stipulated that he would never assent to its repeal. Fendall, who had gone to England for the purpose of consulting the Proprietary, immediately returned to Maryland with a copy of this agreement. At the same time Bennett wrote to Captain Fuller, apprising him of the engagement which had been made on behalf of his party. Fendall arrived in the Province in February, 1658; and the Providence council were requested to meet the officers of Lord Baltimore in order to treat for the performance of the agreement. A meeting of the rival councillors accordingly took place in March. The Puritans, fatigued by the long struggle, were not unwilling to submit, but insisted upon making some changes in the articles of surrender. Fendall accepted their terms, and the new agreement was signed on the 24th of March, 1658. It was stipulated that the oath of fidelity should not be pressed upon the people then resident in the Province, but that, in its place, each person should subscribe an engagement to submit to Lord Baltimore, according to his patent, and not to obey any in opposition to him. It was further agreed that no persons should be disarmed; that there should be a general indemnity for all acts done since December, 1649, and that the proceedings of the Puritan assemblies and courts, in cases relating to property rights, should not be annulled. Proclamation was then made of this agreement and of the governor's commission, and writs were issued for an Assembly to be held in the ensuing April. At this Assembly the articles of surrender were confirmed. And thus, after six years of civil broils, the Proprietary sway was re-established.

But the spirit of that revolutionary epoch was not yet extinct in Maryland. Another attempt to subvert the authority of Lord Baltimore was made in the following year. This time the leader was Fendall himself, who, after having broken faith with the Puritans, now broke faith with the Proprietary. Upon the confusion which followed the death of Cromwell, Fendall thought that the opportune moment had come for shaking off the rule of his feudal lord. At a session of the Assembly held in March, 1660, the burgesses, in pursuance of Fendall's scheme, sent to the upper house a message, in which they claimed to be a lawful assembly, without dependence on any other power, and the highest court of judicature. "If any

objection can be made to the contrary," the message concluded, "we desire to hear it." A conference between the houses was held, at which Fendall stated that he was only commissioned to confirm laws till the Proprietary should declare his dissent, but that in his opinion the true meaning of the charter was that the laws made by the freemen and published by them in his lordship's name should at once be of full force. On the same day the lower house came in a body to the upper, and declared that they would not permit the latter to continue its sittings, but that its members might take seats among them. Fendall then dissolved the upper house, and, surrendering the powers he had received from the Proprietary, accepted a new commission from the burgesses. Philip Calvert protested against the proceedings, and left the house. The burgesses sought to fortify their authority by making it a felony to disturb the government as established by them.

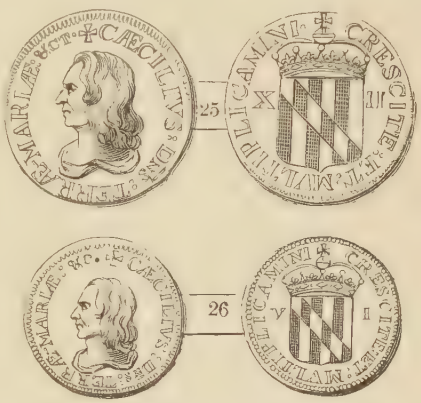
Lord Baltimore made short work of these treacherous proceedings. As soon as the tidings reached him, in the following June, he appointed Philip Calvert governor. Soon after he obtained from Charles II. a letter commanding all the inhabitants of the Province to submit to his authority. Philip Calvert was sworn in at the Provincial Court held at Patuxent in December, 1660, and had no difficulty in obtaining control of the Province. No one ventured to disobey the commands of a monarch who had just been restored to the throne amid universal enthusiasm. Fendall, indeed, attempted to excite an insurrection, but, failing in this, surrendered himself voluntarily. Lord Baltimore had instructed his deputy not to permit Fendall to escape with his life; and subsequently, while proclaiming a general amnesty, he excepted Hatch and "that perfidious and perjured fellow Fendall, whom we lately entrusted to be our lieutenant of Maryland." Notwithstanding these instructions, Fendall was punished only by a fine and disfranchisement.

Charles II. was duly proclaimed, and the power of King and Proprietary permanently revived. The tranquillity which now came to the exhausted colony was destined to last, without interruption, till the mighty wave of another revolution in England proved fatal to the lord paramount of Maryland. Clayborne, who has been called the evil genius of the Province, now disappears from its history. His courage and energy have won the admiration of some writers; but, according to the settled principles of public law, his claim upon Kent Island was entirely without foundation. Towards the close of 1661 Charles Calvert, the eldest son of the Proprietary, was appointed governor, and remained in that office till the death of his father. The history of the Province becomes the record of peaceful progress under his wise and just administration. The population, which in 1660 was 12,000, had increased, five years later, to 16,000. In 1676 Lord Baltimore wrote to the Privy



Council that the population was 20,000. The provincial assemblies continued to be held at St. Mary's, and new counties were from time to time erected.

The cultivation of tobacco was, from the earliest period, the main occupation of the colonists. Indeed, the prosperity of all the middle colonies reposed chiefly upon this foundation. It was almost the sole export of Maryland. There were no manufactures and no large towns in the Province. It was an agricultural community, scattered along the shores of the noble bay, and of the Potomac and other tributary streams which intersected the country in every direction. The abundance of these natural highways relieved the infant State from a large part of the burden of maintaining roads. Every large planter had at his own door a boat-landing, where he received his supplies, and from which his tobacco was taken to be shipped upon foreign-bound vessels. The high price of tobacco in the second quarter of the seventeenth century (ten times its present value), and the large demand for it by Dutch traders, led the colonists to devote themselves so exclusively to its cultivation, that, on more than one occasion, they suffered from a scarcity of food. Beginning in 1639, numerous acts were passed to enforce the planting of cereals. In order to maintain the excellence of the tobacco exported, the Assembly in 1640 enacted the first tobacco-inspection law,—and thus began a system which has, in some form, been maintained down to the present day. According to the Act of 1640, no tobacco could be exported till sealed by a sworn viewer; and when a hogshead was found bad for the greater part, it was to be burned.



THE BALTIMORE COINS.[1]

Tobacco was not only the great staple of the Province, but also its chief currency. Taxes were assessed, fines imposed, and salaries paid in tobacco. After the Restoration the restrictive measures, to which we shall refer, and the overproduction of tobacco caused great depreciation in the value of the article. The consequent inconvenience was such that in 1661 the Assembly prayed the Proprietary to establish a mint for the coining of money. Lord Baltimore, by a doubtful stretch of his palatinate prerogatives, caused a large quantity of shillings, sixpences, and groats to be coined for the Province. These coins were put into circulation under an act, passed in 1662,

[1] [See a "Sketch of the Early Currency of Maryland and Virginia," by S. F. Streeter, in *Historical Magazine*, February, 1858, vol. ii. p. 42; and Crosby's *Early Coins of America*, from which we have been permitted to borrow our cuts. Specimens of the coins were given by the late George Peabody to the Maryland Historical Society; but they have been surreptitiously removed. Other originals are in the cabinet of William S. Appleton, Esq., of Boston. — ED.]

requiring every freeman to take up ten shillings' worth of them per poll for every taxable person in his custody, and to pay for the same in tobacco at the rate of two pence per pound. But their introduction did not give permanent relief, and tobacco continued to be the chief medium of exchange. Its value decreased so much, that, early in 1663, commissioners were appointed by Virginia and Maryland to consider the evil and its remedy. They could only suggest a diminution of the quantity raised. In the following year the Virginia agents represented to the Privy Council the necessity of lessening the cultivation of tobacco in Virginia and Maryland, and offered proposals for effecting it. These proposals did not meet the approval of Lord Baltimore. The Privy Council ordered that there should be no cessation of the planting of tobacco; but, in order to encourage the planters in cultivating other articles, directed that pitch, tar, and hemp, of the production of those colonies, should be imported into England free of duty for five years. In 1666 an agreement was made between delegates from Virginia, Maryland, and Carolina, providing for a total cessation in the planting of tobacco for one year. The legislatures of these colonies passed acts to enforce this agreement; but the Maryland act was vetoed by Lord Baltimore, upon the ground that it would work great injury to the poorer sort of planters, as well as cause a loss of revenue to the Crown. For various reasons these efforts to control the market by limiting the supply never succeeded.

The colonists did not then fully perceive where the root of the evil lay. There was not too much tobacco but too few buyers; and the number of buyers had been artificially lessened. The real cause of this colonial distress was the famous Navigation Act and the statutes which had been made in pursuance of the policy then begun. The Navigation Act, passed by the Long Parliament in October, 1651, provided that no goods should be imported from Asia, Africa, or America but in English vessels, under the penalty of the forfeiture of both goods and ship. Originally designed as a blow at the commercial supremacy of the Dutch, this Act became, to use the language of Burke, the corner-stone of the policy of England with regard to the colonies. This Act was supplemented by still more restrictive statutes passed in 1660 and in 1663 (15 Car. II. c. 7). The result of these regulations was that the colonists could buy nothing except from English merchants, and could sell nothing except to English merchants. They were not even permitted to export their own goods in their own vessels. They suffered from a triple monopoly of sale, of purchase, and of transportation. They bought in the dearest and sold in the cheapest market.

The chief source of the revenue derived by the Proprietary from the Province arose from the quit-rents which, from the earliest period, had been charged on all grants of land. These rents were at first payable in wheat. In later grants they were made payable in money or the commodities of the country, at the option of the Proprietary, until 1671, when an export duty of two shillings per hogshead was imposed on all tobacco, one half of which

went to the support of the government, and the other half was granted to the Proprietary in consideration of his commuting his money quit-rents and alienation fines for tobacco, at the rate of two pence per pound. After 1658 another source of Proprietary revenue was an alienation fine of one year's rent, which was made a condition precedent to the validity of every conveyance. In 1661 there was given to the Proprietary a port and anchorage duty of half a pound of powder and three pounds of shot on all foreign vessels trading to the Province. The fines and forfeitures imposed in courts of justice inured to the Proprietary as the fountain of justice and standing *in loco regis*. The royal nature of the Proprietary dominion was also shown in the use of his name in all writs and processes, as the name of the king was used in England. Provincial laws were enacted in his name, by and with the advice and consent of the upper and lower houses. Indictments, including those upon the penal statutes of England, charged the offences to be against his peace, good rule, and government.

The first mention of negro slaves occurs in an act passed in 1664; but they had probably been previously introduced into the Province from Virginia, where slavery existed before the settlement of Maryland. In 1671 an act was passed to encourage their importation, and slavery was thenceforth established. It was long, however, before slaves took the place of indented servants, who formed a large part of the population down to the time of the Revolution. They at first consisted of those who had signed an indenture of service for a limited number of years and were brought into the Province by the masters themselves. Subsequently the traffic in servants was taken up by shipowners and others, who sold them for the remainder of their term to the highest bidders. The term of service, which was at first five years, was reduced by the Act of 1638 to four years. Upon the expiration of his indenture a servant was entitled to fifty acres of land and a year's supply of necessaries. These servants were called "Redemptioners," and many of them became valuable citizens. After the Restoration the practice of kidnapping men in English seaports and selling them as servants in the colonies became very common. Among the Maryland papers is the petition of one Mrs. Beale to the king, complaining that the master of a ship had taken her brother as his apprentice on a voyage to Maryland, and there sold him as a servant. The lord mayor and aldermen of London complained to the Council that "certain persons, called spirits, do inveigle, and, by lewd subtilities, entice away" youth to be sold as servants in the plantations. Owing to its equable climate, Maryland had more of these indented servants than any other colony, and the statute book contains many acts relating to them. The practice of sending convicts to America, however, was warmly resisted, and in 1676 an act was passed to prevent it.

A temporary exception to the universal religious toleration, which was a capital principle of government in Maryland, occurred in the case of the Quakers. The first Quaker missionaries appeared in Maryland in 1657.

Two years later other preachers of that sect visited the Province and caused "considerable convincement." Their refusal to bear arms, or to subscribe the engagement of fidelity, or to give testimony, or to serve as jurors, was mistaken for sedition. On July 23, 1659, under Fendall's administration, an order was passed directing that if "any of the vagabonds and idle per-

CECIL, SECOND LORD BALTIMORE.[1]

sons known by the name of Quakers" should again come into the Province, the justices of the peace should arrest them and cause them to be whipped from constable to constable out of the Province. There is no evidence that this penalty was ever enforced. The most active Quaker missionary simply received a sentence of banishment; and after the suppression of Fendall's rebellion there was no persecution of the Quakers. They found a refuge in Maryland from the intolerance of New England and Virginia. In 1672

[1] [See the Critical Essay for an account of this picture. — Ed.]

George Fox arrived in the Province and attended two "general meetings for all Maryland Friends," which he describes in his journal as having been largely attended, not only by Quakers but by "other people, divers of whom were of considerable quality in the world's account." Maryland was also sought by many French, Bohemian, and Dutch families. In 1666 the first act of naturalization was passed admitting certain French and Bohemians to the rights of citizenship, and from that time forward numerous similar acts were passed.

On the 30th of November, 1675, died Cecilius, Lord Baltimore, after having inscribed his name upon one of the fairest pages in the history of America. The magnificent heritage left him by his father was beset with difficulties; but his courage, perseverance, and skill had triumphed over the hostility of Virginia and the intrigues of Clayborne, over domestic insurrection and Puritan hatred. The first ruler who established and maintained religious toleration is entitled to enduring honor in the eyes of posterity. His name is that of one of the most enlightened and magnanimous statesmen who ever founded a commonwealth.

In the year following his death, Governor Charles Calvert, now the Lord Proprietary, called an assembly at which a thorough revision of the laws of the Province was made. Among the laws continued in force was the Toleration Act of 1649. In the same year Lord Baltimore appointed Thomas Notley deputy-governor, and then sailed for England, where he remained three years. Upon his arrival he found that a clergyman of the Church of England, named Yeo, residing in Maryland, had written to the Archbishop of Canterbury, under the date of 25th May, 1676, begging him to solicit from Lord Baltimore an established support for the Protestant ministry. "Here are ten or twelve counties," he writes, "and in them at least twenty thousand souls, and but three Protestant ministers of the Church of England. The priests are provided for, and the Quakers take care of those that are speakers, but no care is taken to build up churches in the Protestant religion. The Lord's day is profaned. Religion is despised, and all notorious vices are committed, so that it is become a Sodom of uncleanness and a pest-house of iniquity." There is reason to believe that this letter was an exaggerated libel. At any rate the writer considered it easy to cure the evil. It would be sufficient to impose an established church upon the Province. The Archbishop referred the letter to the Bishop of London, who asked the Privy Council to "prevail with Baltimore to settle a revenue for the ministry in his province." The Privy Council wrote to Baltimore communicating the unfavorable information with regard to the dissolute life of the inhabitants of his province, and desiring an account of the number of Established and Dissenting ministers there. Lord Baltimore replied that in every county of the Province there were a sufficient number of churches which were supported by the voluntary contributions of those attending them, and that there were, to his knowledge, four clergymen of the Church of England in the Province. He also urged that at least three fourths of

the inhabitants were Presbyterians, Independents, Baptists, and Quakers, the members both of the Church of England and of the Church of Rome being the fewest, "so that it will be a most difficult task to draw such persons to consent unto a law which shall compel them to maintain ministers of a contrary persuasion to themselves, they having already assurance by an Act for Religion that they shall have all freedom in point of religion and divine worship, and no penalties imposed upon them in that particular." The Council, however, directed that some provision should be made for the ministry of the Church of England, and that the laws against vice should be enforced. Baltimore returned to Maryland in 1680, but nothing was done to carry out the orders of the Council.

Soon after his return the restless Fendall, in conjunction with John Coode, attempted to stir up an insurrection of the Protestants against the Proprietary. Baltimore, having early notice of the proceedings, arrested Fendall. He was punished by fine and banishment, and the enterprise ended almost as soon as it began. The great preponderance of the Protestant population, and the course of affairs in England were fast making the position of a Catholic Proprietary untenable. Complaints of the favor shown to Catholics were constantly sent to England. In October, 1681, the Privy Council wrote to Baltimore that impartiality must be shown in admitting Catholics and Protestants to the council and in the distribution of arms. In reply to these complaints a declaration was issued in May, 1682, signed by twenty-five Protestants of the Church of England residing in the Province. This declaration certified that places of honor, trust, and profit were conferred on the most qualified, without any regard to the religion of the participants, and that in point of fact most of the offices were filled with Protestants, one half of the council, and by far the greater part of the justices of the peace and militia officers, being Protestants. The subscribers published to the world the general freedom and privilege which all the inhabitants of the Province enjoyed in their lives, liberties, and estates, and in the free and public exercise of their religion.

The first Proprietary had finally come off successful in the long contest for his territory with Virginia and Clayborne. The second Proprietary was now called upon to begin a longer and less successful struggle with William Penn. The charter limits of Maryland included the present State of Delaware and a large part of Pennsylvania. In 1638 a settlement of Swedes was made on the Delaware, which was brought under subjection to the government of the States General in 1655.[1] In 1659 the governor and council, in pursuance of Lord Baltimore's instructions, ordered Colonel Utie to "repair to the pretended governor of a people seated on the Delaware Bay, within his lordship's province, and to require them to depart the province." Utie had an interview with the authorities of New Amstel, and threatened them with war in case of a refusal to leave. They replied that the matter must be left to their principals in England and Holland

[1] [See Vol. IV. — Ed.]

Towards the close of the year the Dutch sent Augustine Hermann and Resolved Waldron as ambassadors to Maryland. They had an interview with the governor and council in which the claim of Holland to the territory in question was formally presented. The governor asserted the title of Lord Baltimore and demanded the submission of the settlements. This demand was rejected and the interview terminated. The Dutch power in America was soon after brought to an end by the Duke of York, to whom Charles II. in 1664 granted all the territory between the Connecticut and Delaware rivers.[1] In 1680 Penn asked for a grant of the territory west of the Delaware and north of Maryland. In his patent, which passed the seals in March, 1681, the southern boundary of his province was a "circle of twelve miles drawn around New Castle to the beginning of the forty degrees of latitude," — a description which it was impossible to gratify. In April, 1681, the King wrote to Baltimore notifying him of Penn's grant, and directing him to aid Penn in seating himself, and to appoint some persons to make a division between the provinces, in conjunction with Penn's agents.[2] Lord Baltimore met Penn's deputy, in September, 1682, at Upland (now Chester), when it was found, by a precise observation, that the fortieth degree of latitude was beyond Upland itself. The knowledge of this fact caused Penn to be anxious to obtain a grant of Delaware. Though the Duke of York's grant did not extend south of the Delaware, Penn, by dint of importunity, obtained from him in August, 1682, a grant of the territory twelve miles around New Castle, and southward, along the river, to Cape Henlopen. Penn asked for that which he knew to be within the boundaries of Maryland, and beyond the power of the Duke to grant. He also received a release of the Duke's claim to the territory of Pennsylvania, and soon afterwards sailed for his province.

On August 19, 1682, he had procured from the King a letter to Baltimore directing the latter to hasten the adjustment of the boundaries. An interview between the two Proprietaries took place in December, when Penn handed to Lord Baltimore the King's letter. Baltimore insisted upon the fortieth degree as his northern boundary, and the conference was fruitless. They had another interview, at New Castle, in the following year, which also made it apparent that no agreement between the rival Proprietaries was possible. Penn now raised against the Maryland charter an objection similar to that which had been urged by Virginia and Clayborne, — that Delaware had been settled by the Dutch before the grant of the charter, and that, if this were not the case, Baltimore had forfeited his rights by failure to extend his settlements there.

Both Penn and Lord Baltimore now resolved to go to England to contest the matter before the King and Council. Baltimore called an assembly — the last over which he presided in person — in April, 1684. He acquainted them with the necessity he was under of going to England, and assured them that his stay would be no longer than requisite for the decision of the

[1] [See chapter x. — Ed.]

[2] [See chapter xii. — Ed.]

differences between Penn and himself. The Assembly then proceeded to revise the laws of the Province; after which the Proprietary appointed a council of nine, under the presidency of William Joseph, to govern the Province during his absence, and sailed for England. Baltimore found that he was no match in court influence for Penn. In November, 1685, the Board of Trade decided that the Maryland charter included only "lands uncultivated and inhabited by savages, and that the territory along the Delaware had been settled by Christians antecedently to his grant, and was therefore not included in it;" and they directed that the peninsula between the two bays should be divided equally by a line drawn from the latitude of Cape Henlopen to the fortieth degree, and that the western portion was Baltimore's and the eastern Penn's. The Revolution, however, came in time to prevent the execution of this decision, and the vexed question was not finally settled till the middle of the following century.

The accession of James II. brought increased danger to Lord Baltimore. To a king who designed the subversion of the liberties of the colonies as well as of England, the liberal charter of Maryland was especially odious. In April, 1687, an order in Council was made directing the prosecution of a writ of *quo warranto* against the Maryland charter. In that age the issuing of such a writ seldom failed to achieve its object; but before judgment could be obtained against Baltimore the Revolution of 1688 had occurred, and the Stuart dynasty was at an end. The tidings that a writ had been issued against Baltimore's charter alarmed the imaginations of the provincials. When the Assembly met in November, 1688, President Joseph sought to counteract this state of feeling in a manner which only served to increase the anxiety. In his opening speech he claimed his right to rule *jure divino*, tracing it from God to the King, from the King to the Proprietary, and from the Proprietary to himself. He then took the unprecedented step of demanding an oath of fidelity from the Houses. The burgesses at first refused, and were with difficulty persuaded to yield. The Assembly showed its loyalty to the monarch, who was then a fugitive from his kingdom, by passing an act for a perpetual thanksgiving for the birth of the prince, and fixed a commemoration of it each succeeding tenth day of June.

Upon the accession of William and Mary the Privy Council directed Lord Baltimore to cause their majesties to be proclaimed in Maryland. He immediately despatched a messenger with orders to his council to proclaim the king and queen with the usual ceremonies. This messenger unfortunately died at Plymouth, and, although William and Mary had been acknowledged in the other colonies, the Maryland council shrank from acting without orders from the Proprietary, while they alarmed the inhabitants by collecting arms and ammunition. Information of this delay was sent to the Board of Trade from Virginia. Baltimore was consequently summoned before it, when he explained that he had sent the required directions to Mary-

land, but that they had failed to arrive. He was ordered to despatch duplicate instructions, but before they reached the Province the Proprietary's power was overthrown. The absence of all colonial records from the close of the session of 1688 to the year 1692 makes it difficult to understand the exact cause of this revolution. Enough appears from other sources, however, to show that it was a rebellion fostered by falsehood and intimidation, — "a provincial Popish plot." In April, 1689, John Coode and other disaffected persons formed "An Association in arms for the defence of the Protestant religion, and for asserting the right of King William and Queen Mary to the Province of Maryland and all the English dominions." Early in July they began to gather in large numbers on the Potomac. They alleged that the Catholics had invited the northern Indians to join them in a general massacre of the Protestants in the following month, and that they had taken arms to defeat this conspiracy. When a similar rumor had been set on foot, in the preceding March, a declaration had been published, signed by several of those who were now Associators, asserting that the subscribers had examined into all the circumstances of the pretended design, and "found it to be nothing but a sleveless fear and imagination fomented by the artifice of some ill-minded persons." But in July the Association availed itself of this baseless rumor to obtain the adherence of those who were foolish enough to believe it; while to others they asserted that their purpose was only to proclaim William and Mary.

By these means the neutrality or support of the greater part of the population was secured, and the Associators moved upon St. Mary's. The council prepared for resistance, but, upon the approach of Coode with greatly superior forces, they surrendered the State House and the provincial records. The Association then published a "Declaration of the reasons and motives for the present appearing in arms of their Majesties' Protestant subjects in the Province of Maryland." This Declaration, dated July 25, 1689, signed by Coode and many others, was printed at St. Mary's.[1] It is an ingenious and able paper, but certainly an audacious calumny, which could only have found credence in England. It set forth that, by the contrivances of Lord Baltimore and his officers, "the tyranny under which we groan is palliated," and "our grievances shrouded from the eye of observation and the hand of redress." These grievances were then stated in general terms. In the mean time Joseph and his council retired to a fort on the Patuxent. When Coode marched against them with several hundred men they were again compelled to surrender, and the Associators became masters of the situation. On the third of August, 1689, they sent an address to the king and queen congratulating them upon having restored the laws and liberties of England to their "ancient lustre, purity, and splendor," and declaring that, without the expense of a drop of blood, they had rescued the government of Maryland from the hands of their enemies, and would hold it

[1] [It is reprinted in the *Magazine of American History*, i. 118. — Ed.]

securely till a settlement thereof should be made. A convention was called to meet on the 23d of August, to which however several counties refused to send delegates. The convention sent an address to the King asking that their rights and religion might be secured under a Protestant government. The matter was now to be determined in England, and addresses from all the counties and from both parties poured in to the King. Many Protestants favored the Proprietary, and, in their addresses, denounced the falsehoods of the Associators. A number of the Protestants of Kent County declared in their address that "we have here enjoyed many halcyon days under the immediate government of Charles, Lord Baron of Baltimore, and his honorable father, . . . by charter of your royal progenitors, wherein our rights and freedoms are so interwoven with his Lordship's prerogative that we have always had the same liberties and privileges secured to us as other of your Majesty's subjects in the Kingdom of England." The greater number of signers, however, sided with the revolutionists. A friend of Lord Baltimore wrote that "people in debt think it the bravest time that ever was. No courts open nor no law proceedings, which they pray may continue as long as they live." The same writer asserted that the best men and the best Protestants stood stiffly up for the Proprietary's interest.

Those who had benefited by a Protestant Revolution in England were naturally disposed to look with favor upon a similar Revolution in America. And thus it came to pass that the Proprietary government "fell without a crime."

King William on Feb. 1, 1690, in pursuance of the recommendation of the committee of the Council for Trade and Plantations, wrote to those in the administration of Maryland, acknowledging the receipt of their addresses and approving their motives for taking up arms. He authorized them to continue in the administration, and in the mean time to preserve the public peace. Lord Baltimore struggled hard to retain his province, although his chance of obtaining justice was desperate. He presented to the King and Council various affidavits and narratives showing the falsity of the charges against his government. In January, 1690, he petitioned the Board of Trade to grant a hearing to such inhabitants and merchants as had lived in and dealt with Maryland for upwards of twenty-five years, at the same time forwarding a list of their names. A few days later he requested the Board to hear his account of the disturbances, to the end that the government might be restored to him. In August, however, the Council directed the attorney-general to proceed by *scire facias* against Baltimore's charter. Chief-Justice Holt had previously given an opinion that the King could appoint a governor of Maryland whose authority would be legal; and the attorney-general and solicitor-general were directed to draft a commission of governor.

On the 12th of March, 1691, Queen Mary wrote to the Grand Committee of Maryland that the Province was taken under the King's immediate super-

intendence, that Copley would be governor, and, until his arrival, they were to administer the government in the names of their Majesties. In the following August Sir Lionel Copley was commissioned by the king and queen. He reached Maryland early in 1692, and the Province became a royal colony for a quarter of a century. The Proprietary was still allowed to receive his quit-rents and export duty, but all his other prerogatives were at an end.

CRITICAL ESSAY ON THE SOURCES OF INFORMATION.

THE earliest publication relating to Maryland was a pamphlet which appeared in London in 1634. It is entitled *A Relation of the Successful Beginnings of the Lord Baltemore's Plantation in Mary-land: being an extract of certaine Letters written from thence by some of the Adventurers to their friends in England.*[1] The similarity of the language of this relation with Father White's *Relatio Itineris* would seem to show that he was its author. The relation describes the first settlement and the products of the soil, and narrates the naïve wonder of the Indians at the big ships and the thunder of the guns. It is dated "From Saint Marie's in Mary-land, 27 May, 1634."

The next publication was, *A Relation of Maryland*, London, Sept. 8, 1635, — a work of great value to the student. It was evidently prepared under the direction of Lord Baltimore, and is an extensive colonizing programme. It recounts the planting of the colony and their intercourse with the Indians, and describes the commodities which the country naturally afforded and those that might be procured by industry. It also contains the "conditions propounded by the Lord Baltemore to such as shall goe or adventure into Maryland," and gives elaborate instructions as to what the adventurers should take with them, together with an estimate of the cost of transporting servants and providing them with necessaries.[2]

A very full account of the voyage of the "Ark and Dove" to Maryland is contained in a letter written by Father Andrew White, S. J., to the General of the Order. The originals of this letter, as well as of different letters from the Jesuit missionaries in Maryland from 1635 to 1677, were discovered, about fifty years ago, by the Rev. W. M. Sherry, who was afterwards Provincial of the Jesuits in Maryland, in the archives of the Society in Rome. The copy he then made of these manuscripts is now in the possession of Loyola College, Baltimore. In 1874 and 1877 the Maryland Historical Society published this *Relatio Itineris*, and extracts from the annual letters, in the original Mediæval Latin, with a translation by Mr. Josiah Holmes Converse. This publication also contains an account of

[1] A copy of the original, which is very rare, is in the British Museum. It was reprinted by Munsell, of Albany, as No. 1 of Shea's *Early Southern Tracts*. [It is suggested in the preface of the reprint, which was edited by Colonel Brantz Mayer, that it "was perhaps prepared by Cecilius Calvert, Lord Baltimore, from the letters of his brothers, Leonard and George Calvert, who went out with the expedition." It was also reprinted in the *Historical Magazine*, October, 1865. — ED.]

[2] This second tract was reprinted by Sabin, of New York, in 1865 [under the editing of Francis L. Hawks. A perfect copy should have a map, engraved by T. Cecill, "Noua Terræ-Mariæ tabula." It is often wanting, as in the Harvard College copy; it is, however, in the Library of Congress copy. Sabin reproduced it full size, and a reduced fac-simile of it is given in Scharf's *History of Maryland*, i. 259. Another is given in the text. The *Chalmers Catalogue* says that at the time of the boundary disputes between Maryland and Pennsylvania the only copy to be found was in the Sir Hans Sloane Collection. See the *Sparks Catalogue*, and the *Huth Catalogue*, iii. 926. — ED.]

the colony in which the character of the country and its numerous sources of wealth are set forth in the glowing colors of anticipation. The original of this *Declaratio Coloniæ* was also found at Rome. It was probably written by Lord Baltimore soon after the grant of his patent, and sent to the General of the Society at the time of his request that priests might be sent out to the colony. These publications are enriched with the notes of the late Rev. E. A. Dalrymple, S. T. D.[1] then Corresponding Secretary of the Maryland Historical Society. The letters, which have been frequently used in the preceding narrative, throw much light upon the early days of the Province, and give a vivid picture of the activity of the missionaries.[2]

The reduction of Maryland at the time of the Commonwealth caused several pamphlets upon its affairs to be published in London. The first of these was *The Lord Baltemore's case concerning the Province of Maryland, adjoyning to Virginia in America with full and clear answers to all material objections touching his Rights, jurisdiction, and Proceedings there*, etc. London, 1653. This tract was probably called forth by the report of the committee of the Navy on Maryland affairs in December, 1652. Although written by Lord Baltimore, or under his direction, it is a temperate and reliable statement. It contains his reasons of state why it would be more advantageous for the Commonwealth to keep Maryland and Virginia separate.

An answer to this pamphlet was published in London in 1655, entitled, *Virginia and Maryland, or The Lord Baltemore's printed case uncased and answered*, etc.[3] This work is of value in giving a full statement of the Puritan side of the controversy down to 1655. It has the proceedings in Parliament in 1652 relating to Maryland, copies of the instructions of the commissioners for the reduction, and other documents.

There are four pamphlets bearing upon the battle of Providence in March, 1655. The first is called, *An additional brief narrative of a late Bloody design against The Protestants in Ann Arundel County and Severn in Maryland in the County of Virginia. . . . Set forth by Roger Heaman, Commander of the Ship Golden Lyon, an eye-witness there.* London, July 24, 1655. The author gives a detailed but unfair account of the fight, and of his connection with it, and of the previous proceedings of Governor Stone. Heamans was answered by John Hammond, "a sufferer in these calamities," in a tract, called *Hammond* vs. *Heamans; Or, an answer to an audacious pamphlet published by an impudent*

[1] [Dr. Dalrymple was born in Baltimore, in 1817, and was for twenty-four years the Corresponding Secretary of the Maryland Historical Society. He is said to have possessed the largest private library (over 14,000 volumes) south of Pennsylvania. He died Oct. 30, 1881. — *Necrology* (1881) *of the Numismatic and Antiquarian Society of Philadelphia.* — Ed.]

[2] [In 1844 Georgetown College presented to the Maryland Historical Society a copy of McSherry's transcript of the *Relatio Itineris;* and in 1847 Dr. N. C. Brooks made a translation from this copy, which was later printed in *Force's Tracts*, iv. No. 12. The Latin text, with a revision of Brooks's version, was printed privately in the *Woodstock Letters*, in 1872. Two years later (1874) the Maryland Historical Society reprinted it as stated in the text, following, however, the original McSherry transcript, which had been transferred to Loyola College, Baltimore. This, however, then wanted the concluding pages, but in 1875 the whole was found, which necessitated the printing of a supplement to the *Fund Publication* of the Society (No. 7) which contained it. The later version of Converse is largely reprinted in Scharf's *Maryland*, i. 69, etc.

Various accounts of Father White have been printed: B. U. Campbell's in the *Metropolitan Catholic Almanac*, 1841, and in the *United States Catholic Magazine*, vol. vii. Mr. Campbell also read before the Historical Society a paper on *Early Missions in Maryland*, and printed a chapter on the same subject in the *United States Catholic Magazine* in 1846. There is also an account of Father White, by Richard H. Clarke, in the *Baltimore Metropolitan*, iv. (1856), and a sketch in the *Woodstock Letters*. Upon all these is based the account in the *Fund Publication* already mentioned. Other accounts of the Maryland missions may be found in Shea's *Early Catholic Missions;* and in Henry Foley's *Records of the English Province of the Society of Jesus*, London, 1878, vol. iii. Mr. Neill has used this last in his tract, *Light Thrown by the Jesuits upon Hitherto Obscure Points of Early Maryland History*, Minneapolis. See also his *Eng. Col.*, ch. xv. — Ed.]

[3] Reprinted in Force's *Historical Tracts*, vol. ii. There is a copy of it in Harvard College Library.

and ridiculous fellow named Roger Heamans, etc. The author was the person despatched by Stone, early in 1655, to remove the records from Patuxent. He declares that he "went unarmed amongst these sons of Thunder, and myself alone seized and carried away the records in defiance." In the same year were published both *Babylon's Fall in Maryland*, etc., by Leonard Strong, and John Langford's *Refutation of Babylon's Fall*, etc. Strong, the author of the former pamphlet, was one of the leading Puritans of Providence, and afterwards their agent in London, where he wrote the tract. It is a party work, containing a garbled statement of the facts. Langford's *Refutation* has a letter from Governor Stone's wife to Lord Baltimore describing the conduct of the Puritans and their treatment of her husband. Langford was rewarded for this work by Lord Baltimore with a gift of fifteen hundred acres of land in Maryland.[1]

In 1656 John Hammond published his *Leah and Rachel; or, the Two fruitfull Sisters Virginia and Maryland. Their present condition impartially stated and related*, etc.[2] This pamphlet is favorable to Lord Baltimore and condemns the Puritans.

A highly curious production is, *A Character of the Province of Maryland*, by George Alsop. London, 1666.[3] Alsop had been an indented servant in Maryland, and gives a favorable account of the condition of Maryland apprentices. The tract is written in a jocular style, and was designed to encourage emigration to the Province. It contains some interesting details concerning the Indian tribes.

Various causes, chief among which are Ingle's Rebellion, time, and negligence, have resulted in the destruction of a large part of the early records of the Province. The principal portion of what now remains relating to the period before the Protestant Revolution is contained in the following manuscript folio volumes: —

1. Liber Z. The Proprietary Record-book from 1637–1642. This is the oldest record-book extant. It contains a full account of the proceedings of the Assembly held in 1638, and of the process against William Lewis for his violation of the proclamation prohibiting religious disputes. This volume also has the records of the Council acting as a county court, and of proceedings in testamentary causes. Many of the original signatures of Leonard Calvert, Secretary Lewger, and others are scattered through the volume.

2. A. 1647–1651. The original second Record-book of the Province. The first fifty-eight pages and several of the last are wanting. It has in it proceedings of assemblies, court records, appointments to office, demands and surveys of land, wills, etc.

3. Y. 1649–1669. Journals and acts of different assemblies, commissions from the Proprietary, etc. This volume contains the Toleration Act of 1649[4] and the proceedings of Fendall's revolutionary assembly in 1660.

4. H. H. 1656–1668. Council proceedings. The original volume containing instructions from the Proprietary, commissions of Fendall and others, ordinances, and the proceedings against the Quakers.[5]

5. A. M. 1669–1673. Council Proceedings. A copy probably made in the last century.

6. F. 1637–1642. Council Proceedings and other documents in vol. i. of the Land-Office Records. This copy of the original, which is lost, was made in the first quarter of the eighteenth century, and is certified by a Judge of the Provincial Court to be correct. This volume contains Governor Leonard Calvert's commission, Clayborne's petition to the King, orders of the Privy Council, etc.

[1] The documents transmitted by Bennett and Matthews to the Protector, during their contest with Lord Baltimore in 1656, may be found in Thurloe's *State Papers*, v. 482–486. Copies of Strong's and Langford's rare tracts are in the Boston Athenæum.

[2] Reprinted in Force's *Historical Tracts*, vol. iii. There is a copy of it in Harvard College Library. See Sabin, viii. 30276.

[3] Reprinted in Gowan's *Bibliotheca Americana*, No. 5. New York, 1869. [This edition has a map, with introduction and notes by John Gilmary Shea. It has again been reissued as one of the *Fund Publications* of the Maryland Historical Society. — Ed.]

[4] It is reprinted in Scharf's *Maryland*, i. 174.

[5] [The early Quakers of Maryland have been the subject of two publications of the Historical Society: one by J. Saurin Norris, issued in 1862; and the other, Dr. Samuel A. Harrison's *Wenlock Christison and the early Friends in Talbot County*, 1878. See also Neill's *Terra Mariæ*, ch. iv. On Wenlock Christison see *Memorial History of Boston*, i. 187. — Ed.]

7. A. 1647–1650. Council and Court Proceedings. Some part of the original is lost. A copy in vol. ii. of the Land-Office Records.

8. B. 1648–1657. Council and Court Proceedings and Acts of Assembly. The original is lost. A copy is in vols. i. and iii. of the Land-Office Records. This volume contains the proceedings of Captain Fuller's council and of the Puritan Assembly in 1654, lists of servants for whose importation land was demanded, etc.

9. Vellum folio. 1636–1657. Council Proceedings. A copy made in the eighteenth century. This volume has Stone's commission, the conditions of plantation in 1648 and 1649, the proceedings of Bennett and Clayborne in the reduction of Maryland, and of Stone and the Puritans. The documents in this volume are not arranged in chronological order.

10. Vellum folio. 1637–1658. Proceedings of Assemblies. A copy.

11. F. F. 1659–1699. Upper House Journals. A copy. Contains a full account of the proceedings.

12. X. 1661–1663. Council-book. This original volume contains instructions from the Proprietary to Philip Calvert and Fendall, demands and grants of land, etc.

13. 1676–1702. Votes and Proceedings of the Lower House. A copy made by the State Librarian in 1838 from the original papers, which are not now to be found. It has the proceedings of the Assemblies in 1676, 1683, and 1684.

14. C. B. 1683–1684. The original Council-book for land.

The first five of the above volumes are in the possession of the Maryland Historical Society, Baltimore, having been entrusted to its guardianship by a resolution of the Legislature in 1847. The remaining folios are in the Land Office at Annapolis.

The three following manuscript volumes are in the office of the Clerk of the Court of Appeals, at Annapolis: —

15. Liber W. H. Laws: erroneously lettered on the back 1676–1678. This volume contains laws made at different Assemblies from 1640 to 1688. They are not placed in strict chronological order. These copies were made in the seventeenth century, and many of the transcripts are attested by Philip Calvert as *Cancellarius*.

16. W. H. and L. 1640–1692. Laws made at some of the Assemblies held during these years.

17. C. and W. H. 1638–1678. Laws. A copy from older books made in 1726, and certified to be correct.

The two following original volumes are in the State Library at Annapolis: —

18. Proprietary, 1642–1644. Contains proceedings of the Council sitting as the Provincial Court, proclamations, commissions, etc. A part of this volume has been transcribed into one of the Land-Office Records.

19. Provincial Court of Maryland. Records. March, 1658–November, 1662. This volume is in bad condition and several pages are wanting. It contains the records of the Council as a Court, oaths of officers, depositions, etc.

A calendar of the state papers contained in Nos. 1–13 of the above volumes, and in some of a later date, was compiled in 1860 by the Rev. Ethan Allen, under the direction of J. H. Alexander.[1] No systematic publication of extracts from these records has ever been made. After the death of Mr. S. F. Streeter, in 1864, his large collection of manuscripts pertaining to the provincial history of Maryland was placed in the hands of Henry Stockbridge Esq., who prepared them for publication, and in 1876 some extracts from these with notes by Mr. Stockbridge were published by the Maryland Historical Society in a volume entitled, *Papers Relating to the Early History of Maryland*, by S. F. Streeter. This volume contains the proceedings and acts of the Assembly of 1638, with a list of the members and their occupations, the record of the case against William Lewis, the first will, the first marriage license and various court proceedings.

The Legislature of Maryland at its January session, 1882, passed an act directing that

[1] This manuscript volume is in the possession of the Maryland Historical Society. An Index to the Calendar was printed in 1861.

all the records and state papers belonging to the period prior to the Revolution be transferred to the custody of the Maryland Historical Society, and appropriating the sum of two thousand dollars to be expended by the Society in the publication of extracts from these documents.

In 1694, when the capital was removed from St. Mary's to Annapolis, — then called Anne Arundel Town, — the Assembly directed that the records should be transported on horses, and in bags sealed with the great seal and covered with hides. The persons charged with this duty afterward reported to the Assembly that they had safely delivered the books to the sheriff of Anne Arundel County. There is a full list of these volumes in the Journal of the Lower House, and one perceives with regret that the greater part of them no longer exist. Many state papers were greatly damaged during this removal, and others were lost in the fire which destroyed the State House in 1704. When the government of the Province was restored to Lord Baltimore in 1716, an act was passed appointing commissioners to inspect the records and to employ clerks to transcribe and bind them. The preamble to the act set forth the loss of several important records, and that a great part of what remained was "much worn and damnified;" which was partly owing to the want of proper books at first. On such general revisions of the laws as were made in 1676, 1692, and at other times, it was customary to make transcripts in a "Book of Laws" only of those acts which were continued in force. The record of the laws not re-enacted was then neglected.

Very little care was bestowed upon the state papers generally. Many of the volumes cited by Bacon in his *Laws of Maryland*, published in 1765, are not now to be found. In 1835 the State librarian (Ridgely) made three reports to the governor and council upon the early records, which contain a partial list of those then discovered. He says that in the treasury department he found "the remains of two large sea-chests and one box which had contained records and files of papers which were in a state of total ruin." He also discovered many early records, whose existence had not been suspected, in different public offices, and some "under the stairway as you ascend the dome."[1]

Other original authorities for the history of the Province, second in importance only to its own records, are the documents preserved in the state-paper office in London. The peculiar nature of the palatinate proprietorship of Maryland, and the fact that the Proprietary generally resided in England, have caused the Maryland papers to be more abundant than those of any other colony. It was customary to send to the Proprietary documents concerning all the public affairs of the Province. A large number of these, as well as of the papers directly transmitted to the Privy Council or the Board of Trade, are in the state-paper office.[2] In 1852 Mr. George Peabody gave to the Maryland Historical Society a manuscript index, prepared by Henry Stevens, to the Maryland papers, then accessible in that office. This index contains abstracts of 1,729 documents relating to Maryland affairs between the years 1626 and 1780; and the abstracts are somewhat more full than those in Sainsbury's *Calendars of State Papers*.[3]

Additional papers have been placed in the state-paper office since the Peabody Index was made, and it is therefore necessary to consult both calendars. There are other manuscripts relating to Maryland in the British Museum, the Bodleian Library, and elsewhere in England, of which no calendars have been published.[4]

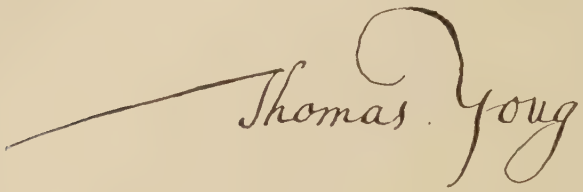
[1] In 1860 another valuable report to the governor on the condition of the public records was made by the Rev. Ethan Allen, D. D.

[2] Cf. Preface to Alexander's Calendar.

[3] Published in the Master of the Rolls series. [The Peabody Index is described in Lewis Mayer's account of the library, 1854. — Ed.]

[4] The Maryland Historical Society has a manuscript copy of some of the Sloane manuscripts in the British Museum, pertaining to the first Lord Baltimore and Maryland. Mr. Alexander gave to the State Library at Annapolis some of the manuscripts relating to Maryland in Sion College, London. A number of the Maryland papers in the state-paper office have been published in Scharf's *History of Maryland*, and in the *Report on the Virginia and Maryland Boundary Line*, 1873. The Journal of the Dutch Embassy to Maryland in 1659, and some of the communications between the Maryland Council and the Dutch at New Amstel have been published in *Documents Relating to the Colonial His-*

A letter of Captain Thomas Yong to Sir Tobie Matthew, written from Virginia in July, 1634, describes his interviews with Clayborne and Captain Cornwallis, and passes an unfavorable judgment upon the former. Yong gives an account of various plots of Clayborne and other Virginians against the colony at St. Mary's, and of Clayborne's refusal to attend a conference which had been arranged for the adjustment of the controversy. The letter is printed in *Documents connected with the history of South Carolina*, edited by P C. J. Weston, London, 1856, p. 29, and in 4 *Mass. Hist. Coll.* ix. p. 81 (Aspinwall Papers), and in the Appendix to Streeter's *Papers Relating to the Early History of Maryland.*



There are scarcely any remains of the buildings erected in the Province before 1688. Lord Baltimore wrote to the Lords of the Committee for Trade and Plantations in 1678 that "the principal place or town is called St. Mary's where the General Assembly and provincial court are kept, and whither all ships trading there do in the first place resort; but it can hardly be called a town, it being in length by the water about five miles, and in breadth upwards towards the land not above one mile, — in all which space, excepting only my own house and buildings wherein the said courts and offices are kept, there are not above thirty houses, and those at considerable distance from each other, and the buildings (as in all other parts of the Province), very mean and little, and generally after the manner of the meanest farm-houses in England. Other places we have none that are called or can be called towns, the people there not affecting to build near each other, but so as to have their houses near the water for convenience of trade, and their lands on each side of and behind their houses, by which it happens that in most places there are not above fifty houses in the space of thirty miles." [1]

The principal building at St. Mary's was the State House, erected in 1674, at a cost of 330,000 pounds of tobacco. In 1720 it was given to the parish of William and Mary to be used as a church; and in 1830, being very much decayed, it was pulled down, and a new edifice built in the neighborhood. Lord Baltimore's house — called the Castle — stood on the plain of St. Mary's, at the head of St. John's Creek. The spot is marked by a few mouldering bricks and broken tiles, and a square pit overgrown with bushes.[2] At St. Inigoe's manor, near St. Mary's, there is preserved the original round table at which the first council sat, besides a few other relics.[3]

tory of the State of New York, ii. 84 *et seq.* The 1880 *Index*, p. 246, to accessions of manuscripts in the British Museum shows various papers of Cecil Calvert.

[1] A description of the occupations of the planters of Maryland, and of the culture of tobacco by them in the year 1680, is contained in the "Journal of a voyage to New York and a Tour in several of the American colonies," by Jaspar Dankers and Peter Sluyter, published in the *Memoirs of the Long Island Historical Society*, vol. i. pp. 194, 214–216, 218–221.

[2] An article in *Lippincott's Magazine* for July, 1871, describes the topography and the present condition of St. Mary's.

[3] There is a fine portrait of the first Lord Baltimore in the gallery of the Earl of Verulam at Glastonbury, England. It was painted by Mytens, court painter to James I. An engraving from it is in the possession of the Maryland Historical Society. In 1882 a copy of this portrait was presented to the State of Maryland by John W. Garrett, Esq. It is engraved in McSherry's *Maryland*, p. 21, as from an original in the great gallery of Sir Francis Bacon; and again in S. H. Gay's *Popular History of the United States*, i. 485. An engraved portrait of Cecilius, second Lord Baltimore, at the age of fifty-one, made by Blotling, in 1657, is in the possession of the Maryland Historical Society. Engravings of these portraits of the two lords are given in the present chapter.

The Baltimore arms are those of Calverts, quartered with Crosslands. The Calvert arms are: barry of six, or and sable, over all a bend counterchanged. Crosslands: quarterly,

The earliest historian of Maryland was George Chalmers, whose *Political Annals of the present United Colonies* was published in London in 1780. Chalmers was a Maryland lawyer, who returned to England at the outbreak of the Revolution. He had access to the English state papers in writing his work, and his account of Maryland is fair and, for the most part, accurate.[1]

The ablest man who has written upon the history of the Province was John V. L. McMahon. He was born in Cumberland, Maryland, in 1800, and, after graduating at Princeton, began the practice of the law in Maryland, where he soon became one of the leaders of a very able bar. The first volume of his *Historical view of the Government of Maryland from its Colonization to the Present Day* was published in 1831. Though the author did not die till 1871, this volume was never followed by its promised successor. The manuscript of the second volume is in the possession of McMahon's heirs. The volume published brings the history of the Province down to the Revolution, but its strictly historical part is less than one half of the whole, and treats the subject only in outline. The remainder of the book is devoted to an examination of the legal aspects of the charter, the sources of Maryland law, and the distribution of legislative power under the State government. The work is founded on an original study of the records, so far as was thought necessary for its limited historical scope.[2]

The History of Maryland from its first settlement in 1633 *to the Restoration in* 1660, in two volumes, by John Leeds Bozman, was published in 1837. The manuscript of this work was offered to the State in 1834, after the death of its author, on condition of its being printed within two years. The offer was accepted by the Legislature, and the book was published under its direction. The first volume is introductory, and the history of the

argent and gules, over all a cross bottony counterchanged. Lord Baltimore used: quarterly, first and fourth paly of six, or and sable, a bend counterchanged; second and third, quarterly, argent and gules, a cross bottony counterchanged. *Crest:* on a ducal coronet proper, two pennons, the dexter or, the sinister sable; the staves, gules. *Supporters:* two leopards, guardant coward, proper. *Motto: Fatti maschii, parole femine.*

The first great seal of the Province was lost during Ingle's Rebellion; and in 1648 the Proprietary sent out another seal, slightly different. This seal had engraven on one side the figure of the Proprietary in armor on horseback, with drawn sword and a helmet with a great plume of feathers, the trappings being adorned with the family arms. The inscription round about this side was: *Cecilius absolutus dominus Terra Mariæ et Avaloniæ Baro de Baltimore.* On the other side of the seal was engraven a scutcheon with the family arms; namely, six pieces impaled with a band dexter counterchanged, quartered with a cross bottony, and counterchanged; the whole scutcheon being supported with a fisherman on one side and a ploughman on the other (in the place of the family leopards), standing upon a scroll, whereon the Baltimore motto was inscribed; namely, *Fatti maschii, parole femine.* Above the scutcheon was a count-palatine's cap, and over that a helmet, with the crest of the family arms; namely, a ducal crown with two half bannerets set upright. Behind the scutcheon and supporters was engraven a large ermine mantle, and the inscription about this side of the seal was, *Scuto bonæ voluntatis tuæ coronasti nos.* In 1657 Lord Baltimore sent out another seal, similar in design, which was used till 1705. Subsequent changes were made in the seal and arms of the Province and State, but in 1876 the last described side of the Great Seal sent out in 1648 was adopted as the arms of Maryland. A full account of the pedigree of the Calverts will be found in *An Appeal to the citizens of Maryland, from the legitimate descendants of the Baltimore family*, by Charles Browning, Baltimore, 1821. [Fuller's *Worthies of England* and Anthony Wood's *Athenæ Oxoniensis* give us important facts regarding the first Lord Baltimore. See John G. Morris's *The Lords Baltimore*, 1874, No. 8 of the *Fund Publications* of the Historical Society; and Neill's *English Colonization in North America*, ch. xi. — Ed.]

[1] [He undertook it at the instance of Sir John Dalrymple. See his chapters ix. and xv. See, also, his *Introduction to the History of the Revolt of the American Colonies.* Chalmers had come to Maryland in 1763 to give legal assistance to an uncle in pursuing a land claim. Many of his papers were bought at his sale by Sparks, and are now in Harvard College Library. — Ed.]

[2] [Compare George William Brown's *Origin and Growth of Civil Liberty in Maryland*, a discourse before the Historical Society in 1850. And Brantz Mayer's *Calvert and Penn*, — a discourse before the Pennsylvania Historical Society in 1852. — Ed.]

Province proper is contained in the second volume. The work is based on an exact study of the original records, and is a very careful and accurate summary in great detail. Bozman did not have access to the papers preserved in the English state-paper office, and much other material has been brought to light since he wrote. His strict pursuance of the chronological order often results in sacrificing the interest of the narrative. The appendix to the second volume has a valuable collection of extracts from the records. The work as a whole may be said to furnish materials for the history of the Province rather than to be the finished history itself.[1]

The History of Maryland from its first Settlement, in 1634, *to the year* 1848, in one volume, by James McSherry, a lawyer of Frederick City, Maryland, was first published in 1849. It is written in an agreeable style, and, so far as relates to the period under consideration, gives a clear summary of the leading occurrences, but does not appear to have been founded on original investigation of the sources.

In Burnap's *Life of Leonard Calvert*, published in Sparks's *American Biography*,[2] there is an excellent history of the colony to the death of Governor Calvert in 1647. Dr. Burnap was for many years pastor of the Unitarian Church in Baltimore. His chief authorities were Bozman and Father White's *Relatio Itineris*.

To Mr. George Lynn-Lachlan Davis, a member of the Baltimore Bar, who died a few years ago, is due the credit of having settled the vexed question of the religious faith of the legislators who passed the Toleration Act of 1649. His work was based on an examination of wills, rent-rolls, and other records. His conclusions are those stated in the preceding narrative. The result of his investigations was published in 1855 in a volume entitled, *The Day Star of American Freedom: or, The Birth and Early Growth of Toleration in the Province of Maryland.* It also contains a summary of all that is known of the entire personal history of each member of the Assembly of 1649.[3]

The Rev. E. D. Neill's *Terra Mariæ: or, Threads of Maryland Colonial History*, published in 1867, is a digressive account of the career of the first Lord Baltimore, with some notices of men more or less connected with the Province in its early days. He quotes many letters of the seventeenth century, but rarely refers to the source from which he drew them.[4] What the volume contains relative to the internal affairs of the Province is not always accurate. Mr. Neill has published several pamphlets and articles on the early history of Maryland, in which he endeavors to show that Maryland never was a Roman Catholic colony, that a majority of the colonists were from the beginning Protestants, and that the Church of England was established by the charter.[5]

[1] [Bozman was born in 1757 and died in 1823. He had published in 1811 a preliminary *Sketch of the History of Maryland during the three first years after its Settlement.* Some of the old records, supposed to have been lost since he used them, were found at Annapolis in 1875, and serve to show the accuracy with which he copied them. Gay's *Popular History of the United States*, i. 515. — Ed.]

[2] New Series, vol. ix.

[3] [Following Chalmers, it had been often stated that the Assembly of 1649 was Catholic by majority; but four or five years before this publication of Davis, Mr. Sebastian F. Streeter, in his *Maryland Two Hundred Years Ago*, had claimed that the Assembly which passed the Toleration Act was by majority Protestant, for which, so late as January, 1869, he was taken to task in the *Southern Review* by Richard McSherry, M.D., who reprinted his paper in his *Essays and Lectures.* The question of the relations of Protestant and Catholic to the spirit of toleration is discussed by E. D. Neill, in his "Lord Baltimore and Toleration in Maryland," in the *Contemporary Review*, September, 1876; by B. F. Brown, in his *Early Religious History of Maryland: Maryland not a Roman Catholic Colony*, 1876; in "Early Catholic Legislation, 1634–49, on Religious Freedom," in the *New Englander*, November, 1878. The Rev. Ethan Allen, in his *Who were the Early Settlers of Maryland?* published by the Historical Society in 1865, aimed to show that the vast majority were Protestant. Kennedy also had asserted that the Assembly of 1649 was Protestant. — Ed.]

[4] [He says in his preface that he picked up his threads from the printed sources in the Library of Congress while he was one of the Secretaries of President Johnson. — Ed.]

[5] [The principal of Mr. Neill's other contributions are *The Founders of Maryland as portrayed in Manuscripts, Provincial Records, and*

The latest and most comprehensive *History of Maryland* is that by Mr. J. T. Scharf, in three octavo volumes, published in 1879. This work extends from the earliest period to the present day. Mr. Scharf publishes in full many valuable documents from the English state-paper office, among which is an English translation of the charter of Avalon.[1]

Histories of Kent, Cecil, and some other counties in the State have also been published.[2]

The subject of religious toleration in Maryland — its causes and significance — has given rise to much discussion both within and without the State. We shall refer only to a few of the many pamphlets and articles which have appeared on this topic. In 1845 the late John P. Kennedy delivered a discourse before the Maryland Historical Society on the *Life and Character of the first Lord Baltimore*. He maintained that toleration was in the charter and not in the Act of 1649, and that as much credit was due to the Protestant prince who granted as to the Catholic nobleman who received the patent, and that the settlement of the Province was mainly a commercial speculation. This discourse was reviewed in 1846 by Mr. B. U. Campbell, who contended with so much show of reason that the honor of the policy of toleration must be attributed to the Proprietary and the first settlers, that Mr. Kennedy felt called upon in the same year to reply to the review.[3] In 1855 the Rev. Ethan Allen published a pamphlet on *Maryland Toleration*, in which he upheld Clayborne's side of the controversy with Lord Baltimore, denied that Maryland was a Catholic colony, and asserted that protection to all religions was guaranteed by the charter. This question was also referred to in the discussion between Mr. Gladstone and Cardinal Manning, concerning the Vatican decrees, in 1875. Cardinal Manning had pointed to the toleration established by Catholics in Maryland to refute Mr. Gladstone's assertion that the Roman Church of this day would, if she could, use torture and force in matters of religious belief. Mr. Gladstone replied, in his *Vaticanism*, that toleration in Maryland was really defensive, and its purpose was to secure the free exercise of the Catholic religion, because it was apprehended that the Puritans would flood the Province.[4]

early Documents, published by Munsell, of Albany, in 1876; and *English Colonization of America*, chapters xi., xii., and xiii., where he first printed Captain Henry Fleet's Journal of 1631. Streeter, in his *Papers*, etc., gives an account of Fleet. — Mr. Neill also printed *Maryland not a Roman Catholic Colony*, Minneapolis, 1875. — ED.]

[1] A manuscript copy of this charter, both in Latin and English, is in the Maryland Historical Society. Many writers, including the Rev. E. D. Neill, so late as 1871, in his *English Colonization in the Seventeenth Century*, have made the mistake of supposing that the charter of Maryland was copied from the charter of Carolina, granted in 1629 to Sir Robert Heath. The last two named charters were both copied from the charter of Avalon, issued in 1623. [The Maryland charter of June 20, 1632, is printed by Scharf, i. 53, following Thomas Bacon's translation, as given in his edition of the Laws, Annapolis, 1765; where is also the original Latin, which is likewise in Hazard's *Collection*, i. 327. Lord Baltimore had printed it in London, in 1723, in a collection of the Acts, 1692–1715, — an edition which Bacon had never found in the Province. See the *Brinley Catalogue*, No. 3657. The Philadelphia Library has an edition printed in Philadelphia in 1718. — ED.]

[2] [The Rev. John G. Morris, D.D., began a Bibliography of Maryland in the *Historical Magazine* (April and May, 1870), but it was never carried beyond "Baltimore." If a topical index is furnished to Sabin's *Dictionary*, when completed, it may supply the deficiency; but in the mean time the articles "Baltimore" and "Maryland" can be consulted. Of the local works references may be made to a few: George A. Hanson's *Old Kent*, 1876, is largely genealogical, and not lucidly arranged. T. W. Griffith published in 1821 his *Sketches of the Early History of Maryland*, and in 1841 his *Annals of Baltimore*. J. T. Scharf published his *Chronicles of Baltimore* in 1874. David Ridgely published in 1841 his *Annals of Annapolis* (1649–1872). Rev. Ethan Allen's *Historical Notes of St. Ann's Parish* (1649–1857), appeared in 1857; and George Johnstone's *History of Cecil County* in 1881. — ED.]

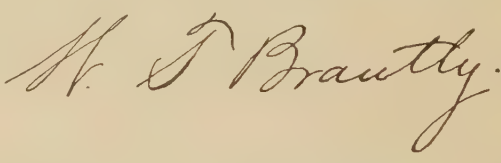
[3] [Mr. Kennedy's reply appeared in the *United States Catholic Magazine*, and Mr. Michael Courtney Jenkins printed a rejoinder in the same number. — ED.]

[4] [Mr. Gladstone was answered by Dr. Richard H. Clarke, in the *Catholic World*, December, 1875, in a paper which was later issued as a pamphlet, with the title, *Mr. Gladstone and Ma-*

Students of Maryland history are fortunate in possessing an admirable edition of the laws of the Province, compiled in 1765 by Thomas Bacon, chaplain to the last Lord Baltimore. It contains all the laws then in force, and the titles of all the acts passed in the several assemblies from the settlement. There are references to the books where the different acts are recorded, and numerous notes upon historical and legal points.

The chief impetus to the study of the history of Maryland and to the preservation of its archives has been given by the Maryland Historical Society, which was organized in 1844.[1] One of the originators of this Society was Mr. Brantz Mayer, an accomplished man of letters, who until his death, two years ago, was active and efficient in promoting its welfare. The Society has a large membership and occupies a suitable building in Baltimore. Its library contains about 20,000 volumes, including nearly every book relating to the history of Maryland. The collection of manuscripts bearing upon the Colonial and Revolutionary history of the State is large and valuable. It has also many rare American maps, coins, and pamphlets, and a large collection of Maryland newspapers from the year 1728. The Society has published about eight volumes, relating chiefly to the history of Maryland. It now has a permanent publication fund, which it also owes to the generosity of George Peabody.

Notwithstanding the loss of many original records, there is still in the State archives an abundance of historical material which has never been adequately worked up by any writer. This material is now better known and more accessible than formerly. Many documents in the state-paper office are now being made known for the first time by the calendars published under the direction of the Master of the Rolls. It is probable that the papers in the British Museum and Bodleian Library will also be calendared. This varied treasure of interesting and important material relating to the provincial history of Maryland has never been thoroughly searched, and the history in which a satisfactory use of it is made remains to be written.



ryland Toleration. Mr. Gladstone had reissued his *Vaticanism* essays with a preface, styling the book, *Rome and the Newest Fashions in Religion*, in which he reiterated his arguments.

It is perhaps largely owing to the deficiency of early personal narratives bearing upon Maryland history and throwing light upon character, that there is so much diversity of opinion regarding the interpretation to be put on the charter as an instrument inculcating toleration. The shades of dissent, too, are marked. Hildreth, *History of the United States*, says, "There is not the least hint of any toleration in religion not authorized by the law of England." Henry Cabot Lodge, *Short History of the English Colonies*, p. 96, says, "There is no toleration about the Maryland charter." Some light regarding Calvert, on the side of doubt, may be gathered from Gardiner's *Prince Charles and the Spanish Marriage*.

In Baltimore's controversy with Clayborne, the side of the latter has been espoused by Mr. Streeter in his *Life and Colonial Times of William Claiborne*, which he has left in manuscript, and of which an abstract of the part relating to Clayborne's Rebellion is given by Mr. S. M. Allen in the *New England Historical and Genealogical Register*, April, 1873. Mr. Streeter was of New England origin, a graduate of Harvard (1831), and had removed to Richmond in 1835, and to Baltimore the following year, where he had been one of the founders, and was long the Recording Secretary of the Maryland Historical Society. He contributed also in 1868 to its *Fund Publication* (No. 2), *The First Commander of Kent Island*, — an account of George Evelin, under whose administration the island passed into Calvert's control. This tract has been reprinted in G. D. Scull's *Evelyns in America*, privately printed at Oxford (England), 1881. Streeter's "Fall of the Susquehannocks," a chapter of Maryland's Indian history, 1675, appeared in the *Historical Magazine*, March, 1857, being an extract only from a voluminous manuscript work by him on the Susquehannocks. — ED.]

[1] [Lewis Mayer published an account of its library, cabinets, and gallery in 1854; and No. 1 of its *Fund Publications* is Brantz Mayer's *History, Possessions, and Prospects of the Society*, 1867. — ED.]

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